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P R E S E N T M E N T

OF THE

REV. WILLIAM F. WALKER,

HIS ANSWER,

AND

THE VERDICT OF THE COURT.

Private Impression.

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P R E F A C E .

THE fact of a clergyman having been presented and tried is commonly received as *prima facie* evidence against him. A knowledge of the facts in the case can alone correct or modify such unfavorable impression. In this belief, the following Presentment, Answer and Verdict are now printed for such as may receive them.

It is not the intention here to furnish a history, but an explanation. This, it is thought, will suffice to prevent some harshness of judgment in a case that has been widely reported; and save from utter condemnation one who has not the heart to narrate in detail a history, which, it is believed, would, beyond a peradventure, effectually and forever vindicate him from reproach, because on *ex parte* statements alone, without a notice to the accused, and contrary to the Canon, three presbyters and two laymen of the Diocese of Illinois, who were known to be "not with" him, four of whom were, on very distinct grounds, esteemed partial in themselves, and had previously complained of him, one of whom had solicited of the Bishop a prosecution of him, and, at the same time, with others, had given a pledge for the costs attending the same, should it be granted, by appointment of the Bishop, presented him; and because the Bishop, who could appoint such a committee of investigation, employ counsel to prosecute the accused, declare him criminal, and, at the same time, wish to sit as a Judge to try him, and finally appear as a witness to sustain charges which himself had caused to be preferred, entertained such presentment.

The desire is to submit to some friends of the Church what Presenters alleged of the accused; what there was really in their charges, and what they would have found to have formed their substance had they "examined the case" impartially; and what the Court adjudged upon the same. Three authentic, unquestioned papers—the Presentment, Answer, and Verdict of the Court—with those to which they refer, and which, therefore form a part of them, contain sufficient for this end. To do more, to narrate in full details preliminary to and connected with the presentment and trial, would harrass anew one's feelings to such an extent as to render the attempt inexpedient, at least for the present; though a perfect record of all has been carefully preserved. May the following avert a measure of the disgrace and ruin which have been attempted! May the Spirit of God speedily brood over all passions that have been tumultuous, heal all divisions, and subdue all, of every order, in the One Holy Catholic and Apostolic Church, to unity, love and peace.

INTRODUCTION.

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CANONS under which the Presentment that follows claims to have been found and tried.

### *Of Offences for which Ministers shall be tried and punished.*

SECTION 1. Every Minister shall be liable to presentment and trial, for any crime or gross immorality, for disorderly conduct, for drunkenness, for profane swearing, for frequenting places most liable to be abused to licentiousness, and for violation of the Constitution or Canons of this Church, or of the Diocese to which he belongs; and, on being found guilty, he shall be admonished, suspended, or degraded, according to the Canons of the Diocese in which the trial takes place, until otherwise provided for by the General Convention.

SECTION 2. If any Minister of this Church shall be accused, by public rumor, of discontinuing all exercise of the ministerial office without lawful cause, or of living in the habitual disuse of public worship, or of the Holy Eucharist, according to the offices of this Church, or of being guilty of scandalous, disorderly, or immoral conduct, or of violating the Canons, or preaching or inculcating heretical doctrine, it shall be the duty of the Bishop, or if there be no Bishop, the clerical members of the Standing Committee, to see that an inquiry be instituted as to the truth of such public rumor. And in case of the individual being proceeded against and convicted, according to such rule or process as may be provided by the Conventions of the respective Dioceses, he shall be admonished, suspended, or degraded, as the nature of the case may require, in conformity with their respective Constitutions and Canons.—*Canon XXXVII. of the General Convention.*

### *Of the Trial of a Clergyman, not being a Bishop.*

Whenever any minister of this Diocese, not being a Bishop thereof, shall become "liable to presentment and trial," under the provisions of any Canon of the General or Diocesan Convention, the mode of proceeding in this Diocese shall be as follows, viz :

SECT. 1. Whenever the Bishop shall have reason to believe, on information given by a major part in number of the Vestry of any Church of which the accused is a minister—or by any three Presbyters of this Diocese entitled to seats in the Convention—or from public rumor, as contemplated by section 2, Canon 37, of the General Convention,\* that

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\* Information was not given to the Bishop in the case now submitted in either of the first two modes pointed out by the Canon; that is, either "by a major part," or any part "of the Vestry of the Church of which the accused" was and "is" now "minister;" or "by any three Presbyters of this Diocese entitled to seats in the Convention." A letter of misrepresentation was addressed to him by eight laymen—four of them unconnected with the Church, three of them not regular attendants on her services, two only of them communicants—who, under the influence of a single master spirit among them,—a communicant,—whose motto seems ever to have been, "rule or ruin," in whose way, in effecting the diversion of certain monies raised for a specific object connected

any clergyman is under the imputation of having been guilty of any offence or misconduct, for which he is liable to be tried, and that the interest of the Church requires an investigation, it shall be his duty to appoint five persons, of whom three at least shall be presbyters, to examine the case;\* a majority of whom may make such examination; and if there is in their opinion sufficient ground for presentment, shall present the clergyman accordingly.

SECT. 2. A presentment being made, in the mode above prescribed, the Bishop shall cause a copy of it to be served on the accused; and shall also nominate eight presbyters of this Diocese, entitled to seats in the Convention, and not being parties in the presentment, and cause a list of their names to be served on the accused, who shall, within thirty days after such service, select five of them and notify their names in writing to the Bishop; and if he shall not give such notification to the Bishop

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with the Church to another interest, he had supposed the accused to have stood, whose hostility was thereby provoked, and who, in consequence, had resolved on causing the separation of the accused from Trinity Church, (this was the *ultima Thule* of the opposition,)—had come to act together for the same object: that letter, asking that the accused might be tried, and giving a pledge for the costs attending the prosecution, stated, “we propose to prefer other charges against him.”

Whether on such information the Bishop, without calling on the accused for an explanation, and without any notice to him whatever of what was proposed, had “reason to believe” that the case of his presbyter should be investigated,—whether such information is “public rumor, as contemplated by sec. 2, canon 37, of the General Convention,” is not to be determined here. The Bishop acted in the affirmative. To question his course is not intended; for, in the language of one whose opinion is always revered, himself a Bishop,—“a Bishop I consider, is the friend and brother of his clergy, and always acts towards them as innocent until they are proved to be guilty.”

\* This did not the “five persons” in the case now submitted. They sat as “a committee to get up charges.” They did not what an impartial Bishop has said they “ought most unquestionably to have done—afford the accused opportunity ‘to make explanations and offer testimony to explain or rebut the charges.’” “How else,” asks one, “than by admitting upon their enquiry the statement and evidence of the party concerning whom the enquiry was made, could they be said to ‘examine the case?’ Is not the answer of the party himself as much a part of his own case as the affirmation of rumor concerning him?” Their proceedings—against the spirit and letter of the Canon, and against the sense in which it was adopted, and in which it has invariably been acted on in the Dioceses of New York, from whose codes it was extracted,—and against the rules laid down by our Divine Master, (St. Matt. xviii. 15—17,) which forbid one-sided and partial proceedings in such cases—were *ex parte*. They neither required nor received testimony. Rumor had satisfied their Bishop; why should it not have satisfied them? Nor were they impartial; for of them the “master spirit,” referred to in the preceding note, “was a great part,” acting among them as informant, prosecutor and presenter; and three others of them were, to say the least, “not with” the accused,—they, with the former, being at the time complainants of him;—and, in consequence, their “ways” were “not equal,”—they having allowed the opponents of the accused the liberty of communicating and being present with them, and of giving in statements at pleasure, of which the accused was debarred; and which in the civil cases to which it has been claimed their duties were analogous, would have vitiated their entire proceedings. “In their opinion,” however,—an opinion formed under such circumstances, without “an enquiry as to the truth” of what was alleged, without “an investigation,” without “an examination of the case,”—there was “sufficient ground for presentment,” and they did “present accordingly.” Their presentment is, therefore, to be viewed simply as the re-affirmation of rumor: as a return to the Bishop in solemn form—for it is really very solemn and imposing, like that after which it almost bears the appearance of having been fashioned—of just the information which he gave them at the outset. He had committed to them the one-sided story, which had given him *prima facie* “reason to believe,” &c.: they returned to him in the Presentment the same one-sided story, on the same authority on which he had at first received it! Thus they accused, but, thanks to God! the Court, according to truth, found their accusations unsustainable; that the charges were false. (*See Verdict.*)

How wholesome would be the rule relative to accusers embodied in one of the Canons of the Council of Constantinople, held in A. D. 381: “They must not advance the charges before they have agreed in writing to submit to an equal penalty, if, upon examination of the matter, they should be convicted of bringing false charges against the [Presbyter] whom they accuse.”—(*Canon VI.*)

But more important is the question, How “far distant is the time when the administration of ecclesiastical justice shall be regulated by one set of Canons, under the authority of the General Convention, securing to the dissatisfied party, in every instance, an appeal to the House of Bishops,” or to a Court of Bishops, consisting of three or five, from the decision of each Diocesan tribunal?

What has occurred in Chicago, in the last three years, in the way of Presentments, causes one heartily to concur in the hope expressed by a Bishop of our Church, “that the time will come when any man or men who will attempt a public accusation before the rules laid down by our Divine Master (St. Matt. xviii. 15—17) have been complied with, will be considered by the Church as heathen and publicans.”

within the said thirty days, the Bishop shall select five; and the presbyters so selected shall form a board for the trial of the accused, and shall meet at such time and place as the Bishop shall direct, and shall have power to adjourn from time to time, and from place to place, (but always within this Diocese,) as they shall think necessary.

SECT. 3. A written notice of the time and place of their first meeting shall be served, at least thirty days before such meeting, on the accused, and also on one of the persons making the presentment.

SECT. 4. If at the time appointed for the first meeting of the board of presbyters, the whole number of five shall not attend, then those who do attend may adjourn from time to time; and if, after one adjournment or more, it shall appear to them improbable that the whole number will attend within a reasonable time, then those who do attend, not being less than three, shall constitute the board, and proceed to the trial, and a majority of them shall decide all questions.

SECT. 5. If a clergyman presented shall confess the truth of the facts alleged in the presentment, it shall be the duty of the Bishop to proceed to pass sentence; and if he shall not confess them before the appointment of a board for his trial, as before mentioned, he shall be considered as denying them.

SECT. 6. If a clergyman presented, after having had due notice, shall not appear before the board of presbyters appointed for his trial, the board may nevertheless proceed as if he were present, unless for good cause they shall see fit to adjourn till another day.

SECT. 7. When the board proceed to the trial, they shall hear such evidence as shall be produced, which evidence shall be reduced to writing and signed by the witnesses respectively; and some officer, authorised by law to administer oaths, may, at the desire of either party, be requested to administer an oath or affirmation to the witnesses that they will testify the truth, the whole truth, and nothing but the truth, concerning the facts charged in the presentment. If on or during the trial, the accused shall confess the truth of the charges stated in the presentment, the board may dispense with hearing further evidence, and may proceed at once to state their opinion to the Bishop as to the sentence that ought to be pronounced. In regulating the admission, and in determining the effect of evidence, the board shall be governed by the practices and principles of courts of law and equity in analogous cases.

SECT. 8. Upon the application of either party to the Bishop, and it being made satisfactorily to appear to him that any material witness cannot be procured upon the trial, the Bishop may appoint a commissary to take the testimony of such witness. Such commissary may be either a clergyman or a layman, and the party so applying shall give to the other at least six days' notice of the time and place of taking the testimony; and if the person on whom the notice shall be served shall reside more than forty miles from the place of examination, an additional day's notice shall be given for every additional twenty miles of the said distance, and both parties may attend and examine the witness, and the questions and answers shall be reduced to writing and signed by the witness, and shall be certified by the commissary, and enclosed under his seal, and transmitted to the board, and shall be received by them as evidence. A witness examined before such commissary may be sworn or affirmed in manner aforesaid.

SECT. 9. The board having deliberately considered the evidence, shall declare in a writing signed by them, or a majority of them, their decision on the charges contained in the presentment, distinctly stating

whether the accused is guilty or not guilty of such charges respectively, and also stating the sentence which in their opinion should be pronounced; and a copy of such decision shall be without delay communicated to the accused; and the original decision, together with the evidence, shall be delivered to the Bishop, who shall pronounce such canonical sentence as shall appear to him to be proper, provided the same shall not exceed in severity the sentence recommended by the board; and such sentence shall be final. Before pronouncing any sentence, the Bishop shall summon the accused, and any three or more of the clergy, to meet him at such time as may in his opinion be most convenient, in some church to be designated by him, which shall for that purpose be open at the time to all persons who may choose to attend, and the sentence shall then and there be publicly pronounced by the Bishop. But the Bishop, if he shall be satisfied that justice requires it, may grant a new trial to the accused; in which case a new board of presbyters shall be appointed, the proceedings before whom shall be conducted as before mentioned.

SECT. 10. All notices and papers contemplated in this Canon may be served by a summoner or summoners, to be appointed for the purpose by the Bishop, and whose certificate of such service shall be evidence thereof. In case of service by any other person, the fact shall be proved by the affidavit of such person. A written notice or paper delivered to a party, or left at his place of residence, shall be deemed a sufficient service of such notice or paper. And in case there is reason to believe that a minister, against whom any ecclesiastical proceeding has been instituted, has departed from the United States, or that the place of his sojourn cannot be conveniently ascertained, then it shall be sufficient to have a copy of the citation published three times in some newspaper printed at the seat of government of the state in which he last resided, and also three times in some newspaper printed at the seat of government of the state in which he is cited to appear, at least six months before the day of appearance.

SECT. 11. The defendant may have the privilege of appearing by counsel; in the case of the exercise of which privilege, and not otherwise, those who present shall have also the like privilege.

SECT. 12. The necessary expenses incurred in a trial under this Canon shall be reported to the ensuing Diocesan Convention; and when audited under its direction, shall be paid by the treasurer of the Diocese.

SECT. 13. Canons XIV. and XV. of 1838 are hereby repealed.—*Canon I. of 1845, of the Diocese of Illinois,—adopted, with very slight modification, from the Codes of the Dioceses of New York.*

## I. PRESENTMENT.

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To the RIGHT REVEREND PHILANDER CHASE, Bishop  
of the Diocese of Illinois :

The undersigned, EZRA B. KELLOGG, Rector of St. James' Church in Chicago, CHARLES J. TODD, Rector of the Parishes of Christ Church, Joliet, and St. John's Church of Lockport, WILLIAM ALLANSON, Rector of St. Paul's Church in Batavia, SMITH J. SHERWOOD, layman of Trinity Church in Chicago, and GURDON S. HUBBARD, layman of St. James' Church in Chicago, all in the Diocese of Illinois, do hereby under and by virtue of the authority vested in us by the appointment of the Bishop, made in conformity with the canon of said Diocese, in such case made and provided, respectfully represent that the Reverend WILLIAM F. WALKER, Rector of Trinity Church in Chicago, in said Diocese of Illinois, has been accused of gross immorality and scandalous conduct in the several specifications hereinafter more particularly set forth, contrary to the Canons of the Church in such case made and provided, and to the ordination vow of said William F. Walker—

ARTICLE 1st.—The said Board presenting as aforesaid do hereby present and allege, that said Rev. W. F. Walker, at a meeting of the Vestry of Trinity Church, held on the seventh day of April, in the year of our Lord one thousand eight hundred and forty-six, he then being Rector of said Church, did pledge his word, that at the annual election on the ensuing Easter for officers of the Church for the year 1846, he would allow no person to vote at said election that the Vestry or any of them should object to, but that at said annual election the said Rev. W. F. Walker acted as chairman and judge of the same, and did wilfully, wrongfully, and contrary to his said pledge, so made at the said Vestry meeting, receive the votes of numbers of persons not entitled to vote, contrary to objections of said Vestry, or some of them, openly made at said election, whereby the said W. F. Walker committed wilful and malicious falsehood, contrary to his duty as a minister and his consecration vows, and to the scandal and injury of the Church—

ARTICLE 2d.—The said Board do further present and allege that during the connection of said W. F. Walker with Trinity Church, he, the said Walker, was accustomed to call the stated

meetings of the Vestry of said Church, to be held on the first Tuesday of each and every month, in the Vestry-room of said Church—that the said Walker had refused to call the regular meeting of said Vestry to be held on the Tuesday of March in the year of our Lord one thousand eight hundred and forty-six, and that in consequence thereof, said regular meeting of the Vestry of said Trinity Church was called by the Vestry in accordance to the By-Laws of said Church, in the office of Mr. I. P. Hatfield, to be held at three o'clock in the afternoon of that day—that pursuant to said call, after most of the members of said Vestry had assembled at Mr. Hatfield's office at the time appointed, about ten minutes after three o'clock a note was received from Mr. Walker addressed to the Vestry, stating that the Vestry-room of the Church was the proper place to hold the meeting, and that he would meet them there to preside at three o'clock—upon receipt of said note, the said Vestry did thereupon proceed to said Vestry-room, when and where they found the same locked and the key gone, and further that the said Walker was not present, nor, so far as they could learn, had he been there, nor did he afterwards or at that time appear or attend the same; on account of which said misrepresentation the said Vestry waiting a reasonable time for the arrival of said W. F. Walker, came to order in the vestibule of said church, did adjourn—which said conduct the said Board present as contrary to his ordination vow in that behalf, and to the scandal and injury of the Church—

ARTICLE 3d.—The said Board do further present and allege that on a certain Sunday, sometime on, or about the last of September in the year of our Lord one thousand eight hundred and forty-five, immediately after service in the afternoon of that day, the Rev. W. F. Walker, then Rector of said Trinity Church, proceeded into the country for the professed purpose of holding divine service—that on said Sunday the said W. F. Walker did take into the country his gun and hunting dog—that afterwards when said Wm. F. Walker was asked if he did take his dog and gun into the country on Sundays as aforesaid, said Walker openly, falsely, and distinctly denied the same—which said conduct of the said William F. Walker the said Board present as contrary to his ordination vow in that behalf, and to the great scandal and injury of the Church—

ARTICLE 4th.—The said Board do further present and allege, that some time in the month of July in the year of our Lord one thousand eight hundred and forty-five, on, or about the time of the visit of the Bishop of said Diocese at Chicago, the Reverend William F. Walker, then being Rector of said Trinity Church, did state to certain persons, members of said Church that he had received a letter from the Bishop informing him, the said Walker, of his, the said Bishop's, intended visit to Chicago, and at the same time requesting one of said persons to entertain, at said person's house, the Bishop when he should come—that after said Bishop had made his said visit as aforesaid, the said Wm. F. Walker did in the presence of various persons, members of said Trinity Church publicly, openly, falsely, and wrongfully deny that he had ever received any notice or letter from the Bishop as aforesaid, informing



said Wm. F. Walker of the Bishop's intended visit as aforesaid— which said conduct of said Wm. F. Walker, the said Board do present as contrary to his ordination vow in that behalf, and to the scandal and injury of the Church—

ARTICLE 5th.—And the said Board do further present and allege that on or about the first day of July in the year of our Lord one thousand eight hundred and forty-four the Bishop of said Diocese of Illinois was on a visit to Chicago, being then on his way to the East—that on or about said first day of July the Bishop left Chicago on said journey, and that soon after the Bishop left as aforesaid, the said Rev. Wm. F. Walker did publicly, openly, and knowingly state to various persons, members of Trinity Church aforesaid, and others, that the said Bishop did whilst on the boat on the eve of its departure, cordially and affectingly embrace him, the said Wm. F. Walker, then being present, and did then and there state to him, the said Walker, that the said Bishop was convinced that the charges then recently made against him, the said Walker, by the members of St. James' Church in Chicago, were made out of a spirit of persecution—that he, said Bishop, had suffered such trials, and that he, said Bishop, would write him, said Walker, a letter when he arrived at Detroit that would be to his, said Walker's, heart's content; that said Wm. F. Walker, further publicly, knowingly and falsely stated to various persons members of his Church as aforesaid, that said Court of Inquiry, above mentioned, at St. James' Church had failed to find any charges against him, the said Walker; and further, that said Walker did publicly, openly and knowingly state that said Bishop did not write to him, said Walker, any such letter as he, said Bishop, had promised to write—all of which declarations of said Walker the Board do present as false, untrue and malicious—which said conduct of the said Wm. F. Walker the said Board do present as contrary to his ordination vow in that behalf, and to the scandal and injury of the Church aforesaid—

ARTICLE 6th.—The said Board presenting do further present and allege that on or about in the year of our Lord one thousand eight hundred and forty—that said William F. Walker then being Rector of said Trinity Church, did in company with William Stuart and James Glass, go into the country for the purpose of hunting; that said Walker took with him at the time of said excursion, a bottle of wine, that said Walker did at the time drink of said wine, and offered the same to the said Stuart and the said Glass, and at the same time did advise the said Glass, though being a young man and a member of the Temperance Society, the said Walker well knowing the same, to drink said wine, saying that it could be no violation of his pledge as no water was at hand—on account of which, the said Glass taking the advice of said Walker, did drink of said wine—which said advice the said Board do present as being unjust, improper and immoral—which said conduct was contrary to the ordination vow of the said Walker, and to the scandal and injury of the Church—

ARTICLE 7th.—The said Board presenting, do further present and allege that on the nineteenth day of January in the year of our Lord one thousand eight hundred and forty-six, that the Rev. W. F. Walker, then being Rector of Trinity Church aforesaid, was called upon by Isaac P. Hatfield Treasurer of Trinity Church aforesaid, for an account of the offerings received by him on a Sunday morning previous, to wit, on the eleventh day of January A. D. 1846, which said account he refused in anger to give, saying that the money was his own and that he would do with it as he saw fit, and that he, said Hatfield, must not say “*must*” to him, said Walker, for any one who says “*must*” to me insults me, and any one who insults me in my own house, may walk out of it; on account of which language of said Walker, said Hatfield left the house much grieved—which conduct the said Board do present as contrary to his ordination vow in that behalf, and to the scandal and injury of the Church aforesaid—

ARTICLE 8th.—The said Board presenting do further present, that on or about Epiphany Sunday in the year of our Lord one thousand eight hundred and forty-five, the said William F. Walker then being Rector of Trinity Church, did on said Sunday, being Communion Sunday, preach a sermon unsuitable to the occasion, not having in view the celebration of the Communion aforesaid, but seemingly for the purpose of bringing to task the ladies of the Sewing Society, as was by them supposed, for not having appropriated the monies belonging to said Society as he, said Wm. F. Walker, had desired—in consequence of which said sermon several members of said Trinity Church did absent themselves from the Communion, feeling scandalized by said sermon, and which said sermon was the cause of offence to many persons, members of said Church—that said William F. Walker has not made any explanation or retraction of said sermon, nor has made any inquiries into the cause of said members absenting themselves from the Communion since said sermon—which said conduct was contrary to his ordination vow, and to the scandal and injury of the Church—

ARTICLE 9th.—The said Board presenting do further present that on or about the month of July in the year of our Lord one thousand eight hundred and forty-five the said Wm. F. Walker then being Rector of Trinity Church did publicly avow, declare and state that he said Walker did see the Bishop when, and at the time of his arrival in Chicago, and added that he believed he would go into the country and that said Walker did go into the country at that time; said Wm. F. Walker did not call on the Bishop during his said visit, and did not invite the Bishop to consecrate Trinity Church, or confirm those whom he reported of his Parish at the Convention in Springfield of the year A. D. 1845 as being ready for confirmation—which said conduct the said Board do present as contrary to his ordination vow, and to the scandal and injury of the Church—

ARTICLE 10th.—And the said Board presenting do further present and allege that on or about the month of May or September in the year of our Lord one thousand eight hundred and forty-five,

the said William F. Walker then being Rector of Trinity Church did in the store of Jacob Russell in said city of Chicago have mixed for him some brandy and sugar, giving as an excuse, sickness, though said Walker appeared well and in high spirits—that at same time said William F. Walker being told that a certain man, his name being mentioned, formerly a friend of Mr. Walker but then an enemy, was carried home drunk a few evenings previous to this time from the Lake House a hotel in said city of Chicago, did instantly reply that he was glad of it, indulging in a loud and hearty laugh at the same time—that the said Walker did then immediately change his manner and add that he meant he was glad that he had such very good friends to carry him home—all of which said conduct the said Board do present as contrary to the ordination vow of said Wm. F. Walker and to the scandal and injury of the Church—

ARTICLE 11th.—And the said Board presenting do further present that on or about the month of August or September in the year of our Lord one thousand eight hundred and forty-five, the said Wm. F. Walker then being Rector of Trinity Church, did in a certain transaction of business with one Silas B. Cobb in the said city of Chicago, in an angry and passionate manner intimate to said Cobb that he, said Cobb lied, but that said Walker did afterwards retract his words, stating that he, said Walker was probably mistaken, and wished the matter forgotten—which said conduct said Board do present as contrary to the ordination vow of said Walker, and to the scandal and injury of the Church.

All of which we respectfully present.

(Signed,)

EZRA B. KELLOGG,

Rector of St. James' Church in Chicago,

CHARLES J. TODD,

Rector of the Parishes of Christ Church, Joliet, and St. John's Church of Lockport,

WILLIAM ALLANSON,

Rector of St. Paul's Church, Batavia,

SMITH J. SHERWOOD,

Layman of Trinity Church, Chicago,

GURDON S. HUBBARD,

Layman of St. James' Church, Chicago.

"This paper"—the foregoing Presentment—printed after the copy to a point—together with a "notice of taking testimony"—the depositions of certain individuals—touching the charges and specifications against the accused, was "served" on him "May 14th, 1846," by a "Commissary" duly appointed. Before that "Commissary" about three weeks were spent, at a cost of time and trial to the accused, who had the "liberty to be present and cross-examine the witnesses," such as may be neither named nor estimated. In the mean while, Galena was designated by the Bishop as the place, and the latter part of June—the month following—as the time, of trial. The accused, anxious for the issue, with his Counsel and a witness, made the journey of crossing the State by stage, and was present punctually at the place appointed. It was, however, in vain: no Canonical Court was organized, though imploringly sought; of course, no trial was had. It was urged by the accused, that he had made every preparation for a trial at that time; that he had been at great expense in procuring testimony and obtaining Counsel for the purpose; that to meet this expense he had been forced well nigh to take the necessary bread from his family; that he could not endure the cost of a new preparation for another time and place; that all things were then ready; that the peace of himself and family, which had been long disturbed by a threatened prosecution on the part of the Bishop, required that a hearing should then be granted him and the end be met; and that his reputation, "already very much injured," as the Bishop had said, and likely to suffer more and more by every day's delay, and the interests of his parish, last though by no means least to be considered, demanded it. Still the

trial was deferred for two months then to come, and the place changed to Chicago; circumstances as clearly significant of feelings toward the accused on the part of his Chief Pastor, as had been his course for the two years preceding, and as they were known to be harassing to the accused and distressing to his friends. This will be understood and appreciated, when facts are stated to which the concluding paragraph but one of the note on the following page refers.

The names of the members of the "Board of Trial" present are given in the Answer. The accused proposed that neither himself nor the presenters should appear by Counsel; but in this he was overruled as regards the presenters. He, in consequence, felt it to be due to himself to avail himself of the services of a portion of those members of the Chicago bar who, having sympathised with him in his trials, and, in a spirit of magnanimity and charity which may not be uttered, had considered him in his low pecuniary estate, and attached themselves to his cause, because they regarded it as that of one unreasonably oppressed and persecuted.

It was so freely and frequently denied by opponents, during and subsequent to the trial; in the face of declarations made by the Counsel themselves, that their services were really gratuitous, as to cause the accused to deem it a duty to publish the following, which he did in the Chicago Daily Journal. It is inserted here for a two-fold purpose, to wit: 1st, to witness to the fact referred to; 2d, to furnish the opinion of able Jurists, to whom the case was open, and who were thoroughly conversant with it, respecting it.—

CHICAGO, Sept. 14, 1846.

*Messrs. Wilson & Geer:*

Dear Sirs.—Now that my case has been terminated by the finding of the Ecclesiastical Court, which you have announced, it seems to be due that the following correspondence should be given to the public. Declarations, touching the matters which it covers, having been confidently made in certain quarters, justice requires that the truth should be given as a rebuke to their presumption.

When will the unmerciful come to comprehend the spirit of mercy? the unforgiving the temper of forgiveness? the suspicious and rancorous the habit of trust and charity? That the good in this case may not be evil spoken of unknowingly, is the object of this publication.

Yours faithfully,

W. F. WALKER.

CHICAGO, 1st September, 1845.

*Rev. W. F. Walker:*

Dear Sir,—From the time that we became professionally interested in the charges pending before the Ecclesiastical Court now in session here, we were of opinion that they originated in persecution. The evidence already adduced has satisfied us of the correctness of that opinion. We, therefore, from a sense of the duty we owe to yourself, and from respect to your station as a Christian minister, beg to say, that our services, past and to come, are freely tendered to you.

Trusting that you will long remain in our city,

We remain your obedient servants,

J. A. McDOUGAL,  
P. BALLINGALL,  
JESSE B THOMAS,  
J. BUTTERFIELD,  
J. J. BROWN.

*To the Hon. Messrs. J. A. McDougal, Jesse B. Thomas, and J. Butterfield; and Messrs. P. Ballingall, and J. J. Brown, Esqrs*

Very Dear Sirs,—Your polite and more than kind note of to-day prompts an immediate, cordial, and thankful acknowledgment. To be so "remembered" in "mercy, in the midst of" seeming "judgment," inspires emotions for which I may not attempt to find expression. May the Almighty Lord reward your generous interest with His blessing, and grant that "inasmuch as you have shown it to one of the least of those" whom he is pleased to own as "Brethren," it may be accounted as "done unto Himself!"

The opinion entertained by you from the time that you became professionally concerned in the charges against me, of which your note informs me, viz. "that they originated in persecution"—of the correctness of which, you say, the evidence already adduced, which has been that of the presenters only, and is that which is relied upon by them to maintain their cause, has satisfied you—is very comforting to be assured of, and will alleviate in a quarter for which concern is deeper on my part than for myself. From that quarter, I can safely say, will fervent prayer ascend for you, and holiest thanksgivings be poured out for the tender consideration which your note bespeaks. Together, we feel that "we have no might against this great company that cometh against us, to cast us out of God's possession, which he hath given us to inherit; neither know we what to do; but our eyes are upon Him;" and to you, under Him, is our cause entrusted, confidently and hopefully.

Should we be brought safely through this intensely "heated furnace," we shall doubtless remain, should it so please, while God shall spare us, or till duty shall elsewhere call, still in this city, pursuing, though faint, the line of our duty; and seek to build again, with a faith and energy quickened by chastisement, the places that by this storm shall have become wasted or benten down.

To know that, while we may remain, that we shall share in your confidence and regards, will, gentlemen, be very inspiring under trial, very encouraging in the path of duty, and give a fulness of hope in all the changes and chances that may befall us.

In duty, in gratitude, and in love,

I am, gentlemen, ever yours,

W. F. WALKER.

Chicago, Sept. 1, 1846.

## ANSWER.\*

To the Rev. Messrs. Dresser, Giddinge, De Pui, and Darrow, now sitting as a Board for the trial of the undersigned, on two several Presentments—one of 1844, the other of 1846—in Trinity Church, in this city :

DEAR BRETHREN—

The undersigned, respondent in the case now before you, begs leave to submit the following, touching the several charges and specifications in the Presentments above noted, as his answer to the same.

“Not guilty in the form and manner charged,” was the general plea of the respondent at the opening of this case. He now proposes to make a particular answer to each specific allegation against him, beginning with the Presentment of 1846.

I. With respect to article I., in that Presentment, the respondent avers, that at the “meeting of the Vestry of Trinity Church” therein referred to, “he did” not “pledge his word that at the annual election on the ensuing Easter for officers of the Church for

\* It was the right of the accused to offer this answer in evidence. This, however, was not done; it was simply read as the explanation of the charges embodied in the Presentment, at the conclusion of the case, and this with the explicit understanding that the Counsel for the presenters might reply to it should they see fit. No portion of it having been questioned by them, the whole was considered as admitted. It will be seen that the finding of the Court fully sustains it.

It may be here stated that, at the opening of the case, on the trial, exception was taken to the Presentment, in the form of a motion to quash it, on the ground that the whole of the proceedings connected with the finding of it, were a departure from the Divine Law, from the laws of the Church, and from those wise and just regulations that govern in all analogous cases in this country and elsewhere, wherever individual rights are regarded,—wherever there is a just sense of the responsibility of proceedings involving interests corresponding with those which were depending in this case,—and in these several particulars, to wit :

1st, In that it was *ex parte*,—the accused not having been allowed to meet the presenters and confront his accusers, either to rebut or explain what was alleged ;

2d, In that it was not founded on evidence, but on the simple unsupported statements of hostile parties ;

3d, In that the presenters were not impartial, but the reverse, and were therefore disqualified ;

4th, In that parties and witnesses opposed to the accused were permitted freely to communicate with the presenters, and to be present during their session, at pleasure, and that while one or another was retailing his or her story.

These points having been raised, and sustained by what was deemed competent authority, the accused withdrew his motion, and asked to be tried both on the Presentment of 1846, and on that of 1844, to which reference is made in the former and in the Answer, which had been dead more than a year, but which, by ardent cherishing, had been made to possess a seeming life, till Monday, Aug. 24,—the Festival of St. Bartholomew!—when its most staunch maintainer, the Bishop, was forced to enter a *nolle prosequi*, as he termed it, in that case. That paper will appear in its order in the Appendix, which will embrace all the papers referred to in the Answer as on the files of the Court.

The names that are introduced in this Answer, and in the papers connected with it, had become familiar to the Court.

the year 1846, he would allow no person to vote at said election that the Vestry or any of them should object to;" and that he could not have so pledged himself, because he never supposed that it was within his power to say who should or who should not vote; but that what he said was in substance, and nearly in words as follows: "The Vestry is the creature of the congregation, and for executive purposes only; and therefore may not control the superior body, or go beyond either the source or limit of its power;—the Canons of the Diocese provide that "the parishioners of each church shall elect a Vestry;" by the statutes of Illinois the members of any religious society or congregation may vote for Trustees in the society or congregation to which they respectively belong;—who are parishioners according to the Canon, or members of the society or congregation, according to the Statute, must be settled by each congregation for itself, as is done in legislative bodies in determining the right of members, when contested, to seats. Such is the way in which other religious bodies conduct their elections, for all are organised under one and the same general law. I do not believe that the members of this congregation are worse than others,—indeed, such is my confidence in the members of Trinity congregation, that I would not hesitate to pledge myself that no one will offer to vote who shall not be considered a legal voter." And, in reply to the question addressed to him by some member of the Vestry, "Who would you consider a parishioner, or member of the the congregation?" the respondent added, "One who attends the church and hails from it as his place of worship;—such is the way the matter is determined in New York, and I believe properly."

The respondent further avers, "that at said annual election" he did not act "as judge of the same," or "receive the votes of numbers of persons not entitled to vote," nor of any person or persons whatever. By resolution of the congregation he was called to the chair; on the taking of which, after the election of a Secretary, Mr. C. Holland, he invited Dr. Maxwell and Wm. Stuart, Esq., to sit with him as Assessors, and act as Tellers;—the former gentleman not being present, Mr. Jacob Russell was invited to his place. The election then proceeded according to rules adopted by the congregation at the time, and without the agency or interference of the respondent, except in two instances;—one, that of Thomas Brown, who, though a parishioner who had contributed towards the building of the church edifice and the support of the Rector, had not so attended on the services of the church as to put his vote beyond question; and, as it was understood that he would vote according to the respondent's interest, he thought proper to say to him that he had better not vote, &c., which at first repelled him, but he afterwards claimed his right, and, under the rules prevailing, voted. The other was that of Charles Torode, a communicant of the church at a station where the respondent has performed some missionary duty, seventeen miles in the country, but not a member of Trinity parish or congregation; he had been in the church but once, it is believed, since Christmas, 1844, and claimed no rights in it. His name is on the Records of the respondent, it is true; but so are the names of all to whom he has ministered at different stations; and this because at those stations no parishes had been or-

ganized, and consequently there was no Register at either of them : therefore Canon viii. could be fulfilled only by making the required entries in the Register of Trinity Church. Mr. Torode was under the spiritual oversight of the respondent, though not his parishioner. When Mr. Torode walked up the aisle, the respondent conjectured that he might be coming forward to vote, under a misapprehension of his rights; and not knowing, then, or even now, whether it was his intention, if he voted at all, to vote according to or opposed to the respondent's interest, the respondent admonished him that he was not of the parish, and could not rightfully claim to vote.\*

Such is the answer of the respondent to Article I.

II. With respect to Article II., the respondent allows, that during his "connection with Trinity Church he was accustomed to call the stated meetings of the Vestry of said Church to be held on the first Tuesday of each and every month in the Vestry-room of said Church;"—but that he "had refused to call the regular meeting of said Vestry on the Tuesday in March" last, he denies; also that any "meeting was called by the Vestry in accordance to the By-Laws of said Church."

\*The official record of the proceedings at the election referred to, certified and sworn to by the Clerk, is as follows:

EASTER MONDAY, April 13, 1846.

After morning prayer by the Rector, the male members of the congregation of Trinity Church organized a meeting for the purpose of holding the annual election of Trustees of said Church, and Church Wardens and Vestrymen, for the current year, pursuant to previous determination.

On motion, the Rector was called to the Chair, who, on taking his seat, called the meeting to order, and invited Messrs. Jacob Russell and William Stuart to sit with him as assessors. Messrs. Russell and Stuart complied, and took their seats accordingly, one on either side of the Rector.

On motion, C. Holland was elected Clerk of the meeting. S. J. Sherwood then moved the following resolution, which was seconded.

*Resolved*, That the election shall be conducted as follows: That the votes shall be received in two hats; in one shall be put all the unchallenged votes; in the other, the votes that shall be challenged; and six persons shall be chosen, three from each party, who shall be judges of the election, and decide on the admission of the challenged votes.

Whereupon C. H. Larrabee, Esq., moved as an amendment, to be inserted in the above, immediately after the word *Resolved*, that the election shall proceed as the meeting is at present organized; and that the following questions shall be addressed to each voter who may be challenged, an affirmative answer to which shall be necessary to entitle the individual to vote.

QUESTION 1st. Are you twenty-one years of age?

QUESTION 2d. Do you profess to belong to the congregation of Trinity Church?

The amendment of Mr. Larrabee was seconded and carried. The election then proceeded, Jacob Russell receiving the votes, Wm. Stuart propounding to those whose votes were challenged the above questions. All who were present having had an opportunity to vote, the polls were, on motion, closed. The assessors, Jacob Russell and Wm. Stuart, counted the votes cast, and announced the result of the election to be as follows: Whole number of votes cast, sixty-five; forty-five\* of which were for the following:

|                    |              |             |
|--------------------|--------------|-------------|
| George Davis,      | } Wardens,   | } Trustees. |
| C. R. Vander Cook, |              |             |
| Daniel Elston,     | } Vestrymen, |             |
| Isaac Dike,        |              |             |
| Herman Warner,     |              |             |
| Horatio O. Stone,  |              |             |
| R. J. Hamilton,    |              |             |
| Carlton Holland,   |              |             |
| Obadiah Jackson,   |              |             |

Who were accordingly declared duly elected. On motion the meeting adjourned.

(Signed,) CARLTON HOLLAND, Clerk.

Records of Trinity Church.

\*This vote would have been 53, but for the necessary absence of eight persons like minded.

The Court seem to have thought that the respondent should not have been present at the Easter election; hence their finding, if censurable at all, that he was "censurable only for having any thing to do with an election under such circumstances." The respondent would respectfully submit that there is room for an honest difference of opinion on this point.

The By-Laws of the Vestry of Trinity Church provide that "stated meetings of the Board shall be held on the first Tuesday in each month;" but of the time and place at which such meetings shall be held they make no mention.\* After the completion of Trinity Church, the Vestry-room of said church became the "accustomed" place of holding Vestry meetings; and the time was invariably fixed by the respondent, unless defined by an adjournment, of which the members of the Board were notified by the Clerk, under the direction of the respondent, by means of certain printed notices furnished him for the purpose. Those notices were never issued by order of the Wardens and Vestry, either or both, either collectively or individually; [nor, "in accordance to the By-Laws," could a "meeting" be "called by the Vestry," but in the absence of the Rector.] From September to March no meeting of the Vestry was held;—there being no business demanding their attention, they did not come together.

On the first Monday in March, in the afternoon, the Clerk of the Board called on the respondent, as had been his custom, to learn for what hour of the next day the Vestry meeting should be notified. The respondent told him not to issue notices till he should hear from him. During that evening the Sen. Warden of the Church informed the respondent that he was engaged in the Court of which he is Clerk, and that he could not therefore attend a Vestry meeting; that himself and some members of the Vestry did not think a meeting at that time necessary, or even expedient, and, therefore, he was of opinion that no notices should issue. On the morning of Tuesday, a note was sent to the Clerk of the Board to this effect.† Thus the respondent rested until 2 o'clock P. M. of that day, when, while at the dinner table, a notice was put into his hands of a Vestry meeting proposed to be held at 3 o'clock then following, at the office of I. P. Hatfield, and purporting to have been issued and signed by the respondent.\* William Stuart, Esq., who had received a similar notice, called upon the respondent at that instant. Surprised at the extraordinary attempt thus made to get the Vestry together, not only not in recognition of the Rector, but in opposition to the expressed pleasure of the Sen. Warden and a majority of the Vestrymen; indignant at the imposition which it was evident was sought to be practised by causing the notices to issue as from the respondent, to bring together those who thought a meeting not necessary, as though the respondent finally desired it; hurt by the unwarranted and unprecedented liberty which had been taken with his name in subscribing it to the notices without his knowledge, and against his expressed will; pained by the insult, as it was deemed, of making the appointment for Hatfield's office, a place to which it was well known the respondent could not go; and grieved at what was supposed to be an effort to inflict upon him injury and wrong, almost unwarned, Mr. Stuart and the respondent together framed a note to the Jun. Warden of the Church, W. H. Adams, protesting against what was conceived to be an outrage upon right, propriety and duty, pronouncing the notice for the Vestry meeting a *forgery*, stating that the Vestry-

\* Appendix, A.

† Appendix, B.

‡ Appendix, C.



room was the proper place for holding Vestry meetings, as the presentment itself alleges it was the "accustomed" place, and saying that he should be there at three o'clock; &c.\* This note was submitted to the Sen. Warden of the Church, by whose approval it was sent, agreeably to its address, a few minutes before three o'clock. The respondent then left Messrs. Davis and Stuart,—who said they should not go to the meeting at all, and that those who had sought to get it up would accomplish their purpose at Hatfield's and would not go to the Vestry-room,—and went immediately to the Church and Vestry-room. There the respondent remained until about twenty minutes past three o'clock, when he locked up the Church, returned to his house, made some alterations in his dress—by which means the key of the Church, which had been in his pocket, was thrown upon the bed in his bed-room—and went, quickly as possible, to call on Mrs. Coon, a sick parishioner and communicant, who had previously sent for him. When the respondent returned to his house, it was twenty-five minutes past three o'clock by the time in the house,—which was usually that of the bell,—and when he left it for Mrs. Coon's it must have been about half-past three.

It was remarked to the respondent by his little daughter, while he was dressing, after his return from the Church, that Mr. Jacob Russell had gone by on the walk; and, soon after, that he had returned and gone towards home. When the respondent went out, he saw neither Mr. Russell nor any of the Vestry.

The respondent denies that he had any design to elude the Vestry at the date referred to. On the contrary, he had, on the morning of that day, expressly offered to Mr. W. H. Adams to call a meeting of the Vestry for that afternoon, if it was desired. He was perfectly willing and ready both to notify the meeting and to meet the Vestry, properly convened. Hence his declaration that he would be at the Church at three o'clock, in the note to Mr. Adams.

[That he would be at the Church at half past three, or later, before which the Vestry could not have arrived there, he did not say. That he was not there, agreeably to the terms of his note, at three o'clock, was conjectural only with his opponents; and he avers, as he has proved, was not according to truth.]†

Such is the answer of the respondent to Article II.

III. With respect to Article III., the respondent begs leave to submit, though said article has not been tried,‡ a full denial of the allegation, "that on a certain Sunday some time on or about the last of September, in the year of our lord one thousand eight hundred and forty five; immediately after service in the afternoon of that

\* Appendix, D.

† If one were to be extreme to mark in all things corresponding with the allegations in Article 2d, which might seem to be amiss, who might not be accused? In illustration, it may with propriety be asked, whether the Bishop laid himself open to presentment by appointing the basement of St. James' Church as the place, and 9 o'clock A. M. of Wednesday, August 26th, as the time, for the trial of the respondent, when and where he declared he would "be present and preside as Moderator;" and, when the time came, absenting himself? The Bishop doubtless had his reasons for his course. Perhaps, he had concluded that to do as he had proposed was not expedient. At all events, he was excused!

‡ Suppose the presenters had made "enquiry as to the truth" of the charge in Article 2d; would that article in that case have appeared in their presentment? Had this course have been pursued, would either Articles 1st or 2d have appeared? *Audi alteram partem*, however, is a maxim of justice to which they were practically strangers.

‡ See Verdict of the Court.

day," he "being then Rector of Trinity Church, proceeded into the country for the professed purpose of holding divine service," and "that on said Sunday" he "did take into the country his gun and hunting dog."\*

[The respondent allows, that during the spring and summer of 1845, he was in the habit of going into the country each Sunday afternoon, at the conclusion of Evening Prayer in Trinity Church, "for the professed purpose of holding divine service," and that he was often accompanied by a dog belonging to his little son; and asserts, that, on those occasions, he stately performed the services contemplated. A report of the same, up to the meeting of the Convention in that year was made to the Bishop, as follows: "I have officiated eleven times, and administered the holy Communion once in the country, 20 miles north of Chicago, where is an interesting body of people, really attached to the Church, and whose claims are urgent for a missionary to gather them together permanently in one, and break to them the "bread of life." Subsequent to this report the respondent officiated for the same people six times; but] he avers, that after the third Sunday in August, he did not go into the country on Sunday, at all. On the 4th Sunday, he was not able to go. The child of Col. Geo. Davis died on the morning of the 1st Sunday in September, and the respondent staid from the country on that day, on that account, to render the family such assistance as he might, Col. Davis himself being absent. Mrs. Walker was soon after confined in child-bed, by which he was kept at home until he went to the South, whence he did not return till about the middle of October; after which he did not go into the country on Sunday at all.†

Therefore, if the denial charged in the latter part of the article, to wit: "that afterwards when said Wm. F. Walker was asked if

\* This charge having been broadly made in the Presentment, the propriety of this answer will be allowed by lovers of truth.

† A deposition on this subject, that of Mr. W. H. Davis, Junior Warden of the parish the organization of which resulted from the services noticed—a deposition taken for the trial—is as follows: "In the summer of 1845, Mr. Walker being acquainted with myself and some others, who are Episcopalians, we solicited his assistance in preaching to us. He consented so to do, and was in the habit of being with us almost invariably every Sunday evening from May or June to, I think, some time in August. Part of the time Mr. W. officiated in a [log] house belonging to me in Lake precinct, and some part of the time in a house belonging to Mr. Bennett; and the balance of the time, when the congregation became very large, and the weather was very warm, we had services in Sherman's Grove. For those services we felt grateful to Mr. Walker, and still do; that I can answer for all the parish; it being the only remuneration we could give Mr. W.—our thanks—for we were too poor; and that is all he did get, to my knowledge. The neighborhood in which Mr. W. thus officiated is about 20 miles from Chicago. His arrival was usually about 6 o'clock—before dark. I don't recollect our ever having services by candle light."

The afternoon services of the respondent in Trinity Church were held during this season at 2½ o'clock. He usually started from Chicago about ten minutes before 4 o'clock, and performed his drive by about 6, as stated by Mr. Davis.

"That on said Sunday the said W. F. Walker did take into the country his gun and hunting dog," is a charge that was begotten, it is believed, in the suspicious and rancorous imagination of a presenter; and was brought forth to aid him in his work of creating a prejudice against the respondent, and effecting his separation from his Church and people. It is in his evidence, for he is a witness in the case, "I wanted that he," Mr. W., "should leave, that another person might be substituted in his place. I am opposed to him."

That the opposition of this man was active is in the evidence in the case. It led him to declaim against the respondent among the members of his parish; to treat him with rudeness when he met him; on the public street to heap upon him opprobrious epithets; to incite members of his Vestry to act against him; to evince violence of manner at the Easter Election; to write to the Bishop complaining of the respondent, and, at the same time, asking that he might be tried, and pledging himself, with others, for the costs of his trial, should it be granted. Yet was he, by the Bishop, appointed one of the "five persons" to "enquire as to the truth of the charges" against the respondent; "to examine the case;" to ascertain whether there was "sufficient ground for his presentment!"

he did take his dog and gun into the country on Sundays, as aforesaid, denied the same," is to be understood of what is alleged in the former part, it is repeated and maintained.

Or, if the latter part of said article is intended, as has been suggested to your Board, to assert a habit in the respondent, and the denial is to be understood as relating to that, it is still maintained. The respondent denies the charge in any and every sense that has been put upon it.

Such is the answer which the respondent desires to make to Article III.

IV. With respect to Article IV., the respondent submits that truth is at the basis of the article, though that truth is not so stated as to convey a true impression of the facts alleged. The entire truth relative to the matters referred to is as follows:

April 24th, the respondent addressed the letter to the Bishop, which is on the files of your Board, marked E,\* on the subject of consecrating Trinity Church and confirming therein, and inviting the Bishop to accept the hospitalities of the respondent's house; but, at the same time, intimating that Mr. Sherwood, Warden, would probably claim to entertain him. May 6th, a letter was received from the Bishop in reply, under date of April 30th, which is also on your files,† propounding certain queries relative to Trinity Church, and concluding thus: "When I shall commence my visitations of the Diocese I am unable to say. I trust to be well enough to attend the convention of the diocese on the 16th of June, at Springfield. From there I shall try to visit Alton, Albion, Chester and Quincy. Perhaps I may go to the northern parts of my diocese in the fall." May 6th, the day following, that letter was laid before the vestry of Trinity Church, and, from their minutes, it appears that "the Corresponding Secretary was requested to answer the same. That officer, Wm. Stuart, Esq., made the answer contemplated at once, and gave the Bishop a full statement of all the particulars to which his enquiries had regard.‡ About that time, Mrs. Sherwood was spoken to by the respondent on the subject of the proposed invitation of the Bishop, and of the respondent's suggestion to him that her house should be made his home during his stay. Not far from one month subsequently, the respondent met the Bishop in convention at Springfield. During that convention, as your Board are aware, the Bishop announced that Trinity Church in Chicago was in debt, and he would not consecrate it until its debt should be paid off. When the respondent returned to Chicago he told the friends of Trinity Church what was the mind of the Bishop, as he had stated it. July 18th, the respondent received the letter from the Bishop, under date of July 12th, on your files marked G,§ in which he says: "If you will do the same with Trinity," that is, "pay off the debt which it at present owes, I will do the same duty," that is, "consecrate the church in Chicago on Wednesday, the 29th of July." That nothing could or would be done by the vestry of Trinity Church at that time relative to what was termed the "church debt," the respondent well knew, and was assured of; and as the Bishop had been addressed by the ves-

\* Appendix, E. † Appendix, F. ‡ Appendix, G. § Appendix, H.

try on that subject, the respondent thought and believed that the matter was then between his vestry and the Bishop; and feeling an unwillingness to enter into the financial affairs of the Church at all, he left the matter with the vestry. No further communication from the Bishop was received, nor was any notice or appointment, either for the consecration of Trinity Church, or for the administration of confirmation therein, ever brought to the knowledge of the respondent. To this did his denial that "he had ever received any notice or letter from the Bishop," extend; it was so made to Wm. Stuart, Esq., and others, at a meeting of ladies at Mrs. Foote's. And it is here renewed: the respondent still avers, that he had no notice that the Bishop was coming to visit Trinity Church. Neither his parishioners, nor himself, therefore, expected him. That he did frequently say, after the Bishop had been here, and he had been told that the Bishop had claimed that he should have consecrated Trinity Church, and confirmed therein, that he had received no canonical notice that the Bishop was coming to Chicago for any such purposes, or, indeed, any notice at all respecting confirmation, he admits, and maintains.

Such is the answer of the respondent to Article IV.

V. With respect to Article V., the respondent submits as follows: That at the time the presentment of 1844 was made to the Bishop, he was anxious for an immediate investigation, and urged the Bishop to allow the provisions of Canon with respect to time to elapse before trial, assessors, &c., to be waived, and to investigate all the matters charged against the respondent himself;\* that he had hoped this would be done, till the morning of June 12th, when a letter from the Bishop was put into his hands by Rev. Mr. Kellogg, and he was, at the same time, informed that the Bishop was then on the steamböat, and was to leave the city in a few moments; that the respondent was exceedingly grieved by the thought of being left by the Bishop with that presentment over him; and that, under the influence of highly wrought and most anxious feelings, he run to the boat, eagerly sought the Bishop, and on finding him, the following conversation, &c. occurred:—

"MR. WALKER.—Why, Bishop! you are not going away now to leave me in this position—with these charges over me? Do stay, and let the whole come up before you to-day for investigation and trial. You must not go; you cannot go and leave me thus. Do stay to-day.

"THE BISHOP.—I cannot. I must go;—but you write me a letter at Detroit, such as I have suggested in the letter handed you

\* Canon XIV. of 1833, (see page 6, Sect. 13,) was at this time in force.—Sect. 6 of that Canon provided, that "the time between the day of service" of the Citation and "the day of appearance" should be "not less than twenty days over and above the ordinary time required to travel to the place of appearance."—Sect. 5 of the same Canon provided, that "not less than three or more than six Presbyters, selected by the accused out of a list of twelve," should "be assessors with the Bishop," presiding "on the trial as judge."—Sect. 2 of the same made "the house of the Bishop the regular place of trial."

These and such like provisions favoring the accused, under ordinary circumstances, were those which, in this case, the Bishop was urged to allow to be waived. The accused wished to make answer to the charges against him at once before the Bishop as Judge, and final arbiter.

For Canon XIV. of 1838 in full; the Presentment of 1844; and the papers above referred to, with others in the same connection, see APPENDIX I.

by Mr. Kellogg, and I will give you a letter in reply that shall be to your heart's content—all that you can wish.

"MR. WALKER.—But, Bishop, I would rather have the matters investigated. I do not want them dropped so. These things have been alleged against me, and, I think, without reason. I can show to you that they have resulted from local feelings and personal hostility, and are, for the most part, mere misunderstandings; and that I am persecuted and oppressed without cause; and if so, and I can show it, then those who have pursued me should themselves be admonished. It is better that the matters be investigated as I have proposed. Do therefore stay, and let this be done.

"THE BISHOP.—(*Putting his arms around the respondent, and embracing him*)—Walker, I love you. I have suffered the same things myself. I got up from my prayers this morning feeling just so—(*pressing the respondent.*) You write me the letter, attend to the scholarship, and all will be well. I can admonish them, (*alluding to the respondent's pursuers*) better by letter; and the whole matter can be better settled so. Send Haff to Jubilee right away; and if we don't do every thing just to your satisfaction, or that should be done for him, you may say that old Bishop Chase has bamboozled you.

"MR. WALKER.—Well, Bishop, it must be as you say. "Good-bye," &c. &c.

So much for that part of the Article which relates to the interview with the Bishop.

In relation to the "Court of Inquiry at St. James' Church," the respondent avers, that he never "stated to various persons, members of his Church," or to any other persons, that said Court "had failed to find any charges against him;" but admits that he has characterized those charges, at various times, as based on light and frivolous grounds, or in local feelings and personal variance;—has said that they arose to a great extent out of a Ladies' Society, &c.\*

As to the last clause of the Article, to wit: that the respondent "did publicly, openly, and knowingly state that the Bishop did not write to him any such letter as he, the Bishop, had, promised to write;" the respondent admits, that he has frequently and openly expressed the deep disappointment which he did feel on the receipt of the letter from the Bishop from Buffalo, under date of June 20th,—a disappointment the sadness of which your Board may gather from a perusal of a letter from Bishop Chase of date of June 12th, and that of the respondent to the Bishop of the same date, both of which are on your files; and that he has said, that the letter received from the Bishop last referred to is not such a letter as was promised him, he does not deny, but rather admits,—whether justly or not your Board will determine.†

Such is the answer of the respondent to Article VI.‡

\* The charges alluded to are those in the Presentment of 1844. See Appendix J.

† Appendix K.

‡ It will be seen, that Articles 4th and 5th in the Presentment essentially depends for the maintainance of the allegations which they contain, upon the testimony of the Bishop. That the Bishop was not in Chicago to furnish statements on which to found those articles is certain; that he could have furnished statements to support their allegations will hardly be believed by any who may read the papers referred in connection with them in the Appendix.

But that the Bishop appeared as a witness against the respondent, on the trial, is true; and that he deposed according to the tenor of those articles is also true,—with what gentleness and kindness, and consideration for the respondent was observed by a numerous congregation in attendance at the time.

VI. With respect to Article VI., the respondent offers a denial of the allegation that he, on the excursion therein referred to, "took with him at the time of said excursion a bottle of wine;" and affirms that the wine was taken by his companion;—the respondent further denies, that he "well knew" that the "young man, Glass," was "a member of the Temperance Society;"—on the contrary, he would have inferred the opposite from the fact of his being a communicant in the Church; the Church not recognizing Temperance Societies, and few, comparatively, of her members having any connection with them. To the other parts of the Article, answer does not appear to be required. Whether or not the things therein alleged occurred seems to the respondent to be immaterial, as no moral delinquency is involved.\*

VII. With respect to Article VII., the respondent deems it sufficient to say, that the offerings and the entire income of Trinity Church were voted by the Vestry, Sept. 2, 1845, on motion of S. J. Sherwood, as his salary, subject only to the payment of the current and contingent expenses of said Church. The minutes of the Vestry containing that resolution, are on your files.† The demand of Mr. Hatfield was, therefore, for a matter that was purely

\*The "young man, Glass," called by the presenters, was the only witness with respect to the matters charged in Article 3d. Mr. Stuart was in New York at the time; and the allegations were not deemed, by the respondent's Counsel, of sufficient importance to warrant the trouble and expense of procuring him as a witness, or of getting his deposition to rebut or explain them. The result satisfied as to this omission; the witness of the presenters having done both sufficiently. As a key to some things connected with this case, let the allegations of the presenters, and the statements of their witness be seen side by side:

ARTICLE 6th.—*The Presenters.*

*Glass, the witness:*

"Said Walker took with him at the time of said excursion a bottle of wine."

"We had some wine along; I do not know by whom it was taken—whether by Mr. Stuart or Mr. Walker."

"Said Walker did at the time drink of said wine, and offered the same to the said Stuart and the said Glass."

"I do not recollect certainly whether Mr. W. or Mr. S. drank first of that wine. I have an idea that Mr. W. drank first; but I do not recollect."

"The two gentlemen drank about a wine glass a piece. I drank of what was handed to me, and threw the rest out."

"And at the same time did advise the said Glass, though being a young man and a member of the Temperance Society."

"Said Walker well knowing the same."

"I do not know whether or not Mr. W. was at that time aware that I was a member of the Temperance Society."

"I don't think he is or was a member; the P. E. Church has no connection with Temperance Societies."

"Saying it would be no violation of his [Glass] pledge as no water was at hand."

"Mr. W. made the remark, 'this cannot be considered a violation of the Temperance pledge, as there is no water at hand.'"

"On account of which, the said Glass taking the advise of said Walker, did drink of said wine."

"I think the remark made by Mr. W. about the Temperance pledge was a general observation; I do not know that it was made to me particularly."

"I was, in a measure, induced to drink by this remark."

Glass is believed to be a young man of truth. If he be, his story before the presenters was substantially the statement above given, which was his testimony on the trial. But how do the allegations of the presenters differ from that testimony! How far beyond the testimony does the 6th Article of the Presentment go! Did the "good of the Church" require this? Why was it so laid? And why was not a statement obtained from Mr. Stuart? *See Preface; and notes on pages 4 and 13.*

within the rights of the respondent. He was at that time, by tacit consent, Treasurer for the respondent only, and not for the Vestry, in so far as the revenues of the Church were concerned.

There had been excitement in the earlier stage of the interview between Hatfield and the respondent, [regarding interests foreign to Trinity Church.] The respondent, [at the time of Hatfield's call and during his stay,] was driven by private matters requiring his attention, being engaged in preparing matter for the press, which was then urging him. Hence, [he was naturally somewhat impatient at Hatfield's continued interruption of him; and, perhaps, was somewhat excited by his peculiar and imperative manner, and the indelicate and offensive pertinacity of his demand.] He was informed by the respondent that the matter which he had required could not then be attended to; moreover, that he should not be so importunate, for the interest was the respondent's solely; and that, if he continued his demand, it would not be granted. The respondent, at the same time, claimed, what the manner of Hatfield most naturally and properly suggested, that he should be treated as a gentleman in his own house. Not a word escaped the respondent on the subject of Hatfield's leaving the house, or of the house being left by one who might insult the respondent, as is alleged in the Article. The imagination of the complainant Hatfield must have caused him to magnify the occurrences of that interview; and led him, under the influence of thwarted feelings, to allege occurrences which never happened, or as they never happened.

It was matter of surprise to the respondent subsequently, to know that Hatfield had asserted that on the occasion referred to, he "had been turned out of the" respondent's "house."

As, however, Hatfield professed to have been "grieved"! by what had occurred, the respondent was willing to [consider his weakness, forgive his insolence, and] make peace. He, therefore, offered him his hand as a pledge of reconciliation when next he met him. That it was accepted, but without a response from Hatfield such as the overture demanded, is not the fault of the respondent.

Such is the Answer of the respondent to Article VII.\*

\* The testimony offered with respect to Article 7th, was that of the single witness Hatfield, and was as follows:—

"I did call on Mr. W. as Treasurer of Trinity Church, on Monday morning, Jan'y 19—last January. I asked Mr. W. to give me an account, and not the money, of the offerings by him received on Sunday morning, Jan'y 11, previous. Mr. W. said that it matters not now; when I said, in my usual way of speaking, 'Oh, yes, you must give,'—as by request only, I used the words must—must give me an account of the offerings; and, at the same time, extended to him a blank piece of paper, for him to write down the amount. He replied very harshly and in anger, that the money was his, and he would do with it what he pleased, and that I should not say must to him; 'any man that says must to me in my own house insults me; and any man, sir, that insults me in my own house may walk out of it.' I accordingly took my hat, made a bow, and bid him good morning.

"It was my custom, as Treasurer, to receive the weekly offerings, and to keep an account of them in the books as Treasurer. I generally took them from the plate. He took them on Sunday, Jan'y 11th; I was not present.

"Mr. James A. Marshall was present at the interview between me and Mr. W. in relation to the offerings.

"My opinion is that Mr. W. ought not, from the manner in which I spoke, to have understood me as using commanding language. I did not so intend it; but he might so have considered it. He was at the time I called engaged in other business. I saw

VIII. With respect to Article VIII., the respondent will say, that he never preached a sermon on "Epiphany Sunday," and for this most conclusive reason, that there is no such Sunday in the Calendar; that the sermon complained of was preached on the fourth Sunday after Epiphany, (Feb. 1;) that said sermon was not intended for the special application alleged, having been written eleven years ago, and for a parish in the East of which the respondent then had charge; that it contains no matter for just complaint; that it can be esteemed personal or special in its bearings or teachings by such only as by previous circumstances may have come into that peculiar intellectual and moral state which leads to the attribution of imagined evil as though it were real; [that it makes no reference, either direct or by implication to "the ladies of the Sewing Society; that it contains not a word or intimation on the subject of the appropriation or non-appropriation of moneys, in any way; moreover, that it *had* "in view the celebration of the Communion;" and, if the respondent may say it, against the judg-

that he was engaged when I went in. He might have said he was too much engaged with other business at that time; I do not recollect of his saying it.

"Mr. W. had received the offerings before, once or twice, in which cases he gave me an account of them.

"I am not a communicant of the P. E. Church; do not know that I have ever been baptized.

"I am 21 years old and over; am collector and general agent."

Article 7th was deemed by the Counsel of the respondent frivolous, and unworthy of notice; therefore they were unwilling to weary themselves and the Court by the examination of Mr. Marshall, who was present and would have testified, to rebut or explain it. They believed the Court would view it as they did. The contrary has transpired. Hence it has been deemed a duty to present the testimony on which the verdict of the Court rests, that others also may judge respecting it.

The affidavit of Mr. Marshall is hereto subjoined, presenting that to which he would have deposed on the trial, had he been called. It will be judged from an examination of this affidavit, with the testimony of Hatfield—a "swift witness in the case"—how wisely, and with what a measure of regard for the "good of the Church?" Article 7th was laid; and in how severe a sense the verdict of the Court should be understood.

How impartially the presenters proceeded in laying Article 7th, may be inferred from the fact, that they did not call Mr. Marshall; that one side, that of Hatfield—against the accused,—was all they heard or regarded! Was this to "examine the case?" to "enquire as to the truth?"

The solemnity of an oath in the estimation of the witness, Hatfield, may be partially inferred from his testimony as to his age, given above; he is in fact nearly 40 years old!

His opposition to the respondent, sworn to by himself before the Court, and openly avowed; his manner in testifying, and numerous inconsistencies and contradictions of which he was convicted, were within the knowledge of the Court.

It was supposed that he was so far impeached that no credit would be given to his statements.

The Court were not of the same opinion. The following affidavit will show their mistake, in part.

James A. Marshall maketh oath that he was present at the interview between Isaac P. Hatfield and the Rev. W. F. Walker on the 19th January, 1846, referred to in Article 7th of the presentment against said W. F. Walker, and that during said interview said Hatfield became boisterous in his conversation, and grotesque in his gestures, and demanded rather than asked for the offerings referred to; that said Walker was at the time very much engaged, and informed said Hatfield that he could not then attend to the application; said Walker, however, claimed the offerings as his own, as having been made so by a vote of the Vestry; therefore said Hatfield should not say that he *must* have them or an account of them, (which in the mean time he had demanded,) for that if he did so peremptorily insist, that he, Hatfield, should not have them; Mr. Walker saying at the same time that he would be treated like a gentleman in his own house;—whereupon said Hatfield replied, "Very well, sir; very well, sir—good morning, sir," and left the house in a rude and ungentlemanly way, pulling the door to behind him in a violent and insulting manner. Mr. Walker did not evince any temper, that could be considered unchristian, although he seemed excited under the unreasonable provocation given him by Hatfield; but Mr. Walker did not say any thing to Hatfield on the subject of his (Hatfield's) leaving the house. That this deponent is a merchant in the city of Chicago, and a communicant of the Second Presbyterian Church in said city.

JAS. A. MARSHALL.

Sworn to before me this 13th day of November A. D. 1846.

F. A. HOWE, J. P.



ment of Article 8th, was suitable to the occasion, if the Epistle for the day may be deemed suggestive of a fit topic for discourse.\*

It is also a part of "the truth" in the case—and duty requires that "that the whole truth" should be told—that the respondent had not, "as was by them supposed," requested the appropriation of "monies belonging to said sewing Society;" that, "in consequence of said sermon," *but two* members of said Trinity Church did absent themselves from the communion, feeling scandalized by said sermon;" that "said sermon" "was" not, therefore, "the cause of offence to *many* persons, members of said Church;" and that the respondent would at once have made all and any requisite "explanation of said sermon," had he been informed, by the parties professedly "feeling scandalized" by it, of the scandal they professed to feel.

The respondent could not have made any "retraction of said sermon;" but he would have "made enquiries into the cause of said members absenting themselves from the communion," had such absences been unusual, or had there been reason to believe that, in the cases of the said two "members," either themselves or the Church were likely to suffer. Indeed,] he did "make explanation of said sermon" soon after he learnt that it was complained of; and that in the same public manner, in which he was accused of having sinned.† That the complainants were not thereby satisfied, is not to be charged upon him. For some cause, it suited them rather to retain their harsh judgment, and to continue to this

The following testimony touching the witness Hatfield with respect to the respondent was given on the trial:

"He (Hatfield) said he hoped Mr. W. would resign; that if he would resign honorably, they should be glad; that if he did not resign, charges would be preferred against him, and he would be presented to the Bishop; that if no one else would do it, he would.

"I think I told him it was useless to report such stories, [alluding to stories that had been circulated by himself and others,] as they did not do any good. He made the remark, that it was necessary to keep stories in circulation to get rid of or cause an Episcopal minister to resign; that the excitement should be kept up, as it was rather a difficult matter to get rid of an Episcopal minister; that what stories there were against the minister should be kept in circulation previous to [the Easter] election."

"I consider it a difficult job to get rid of an Episcopalian clergyman;" and, "I would not compromise my opposition to Mr. W. as Rector of Trinity Church," were in the testimony of Hatfield himself.

Now this is the party in Article 7th, and the witness upon whose unsupported, yea, conflicting testimony the Court rendered their decision as given in the Verdict on that Article. He, an unchristian, hostile man, judged of the temper of the respondent; the Court adopted his judgment, and it stands as their "decision" in their verdict.

\*The text of the sermon complained of was, Heb. xiii. 17; its subject was, "The mutual duties, responsibilities, and privileges of minister and people". It was a plain, hortatory discourse, unmarked by any of those higher, and, to the meek and submissive spirit, more consoling views, which, had the sermon been recently written, would surely have characterized it. Its negative character, in this respect, is striking; and so dissatisfied the respondent at the date in question, that nothing but lack of other preparation, suited to the day and the occasion, could have induced him to preach it. His choice of subjects being invariably determined by the services for the day, he chose rather to preach that sermon, in harmony with that day's offices, unsatisfying as it was to himself, than another that might be out of harmony with those offices.

The respondent was, perhaps, never more surprised than he was when informed that "said sermon" had been characterized as "a Puseyite sermon;" and been deemed personal, in its application, to "the ladies of the Sewing Society." He could hardly credit the information, till the presentment came. Article 8th left no room for longer doubt. That sermon was the basis of its allegations. The presenters having adopted the opinion of two ladies on the subject, that article had been laid accordingly. And that, be it remembered, without the sermon; for it was neither had nor applied for by them! Did they fear being esteemed disrespectful to the ladies, if they should seek to *know* something of the sermon, to form opinions of their own? Or did "the good of the Church" require that they should charge without knowledge, that they should *not* "examine the case?"

†The sermon was re-preached, and explanation made of it,—due notice having been previously given.

time their complaint; and for this they shall be left to make their own answer. The respondent was always in charity with them; and was ready to forgive, and did forgive as he hopes to be forgiven.\*

Such is the answer of the respondent to Article VIII.

\*The explanation of what has occurred with respect to the "Epiphany Sunday" Sermon, is as follows: A small organ had been rented by some persons interested in the music in Trinity Church; and, for reasons sufficient for themselves, a portion of "the ladies of the Sewing Society" had supposed that it had been done by the respondent, and that their Society was expected to pay the rent of it, though the respondent had never exchanged a word with any of them on the subject. In the meanwhile, "the ladies of the Sewing Society" held a "Fair," which proved successful, and put them in possession of some funds. Those who had interested themselves in getting the organ into the Church, favored the Fair; and, as there were not other special demands for its receipts for parochial objects, they thought that payment for the use of the organ to that date, from those receipts, would be legitimate and proper. A bill sent to them for the same, in amount \$20, it is believed, was accordingly directed to "the ladies of the Sewing Society," and its payment asked by one of their number. "The ladies!" very promptly decided that the bill had been sent by the respondent, who, they said, had "put the organ into the Church without consulting them!—and, therefore, he might pay for it; they would not."

Supposing that they had thus greatly crossed the respondent, it was a ready imagination, for such persons, under such circumstances, that he must so feel it as to "visit their offence with a rod" when opportunity should offer.

Such was the state of things, of which, however, the respondent was entirely unaware, when "said sermon" was preached. The parson's feelings, and what were supposed to be his wishes, the interests of the parish, and the peace of the Church had been valued; and \$20 in money had been deemed of more worth than they all!

By those who know the respondent, the extent to which that sum would influence him will be at once estimated. But sad to say, it forms the entire foundation of the allegations in Article 8th.

Some extracts from the testimony in the case, will illustrate these statements, and perhaps, throw some further light upon the spirit with which the respondent has been brought into conflict.

It will here be seen how the leaven of the master, already noticed, had at this time begun to work. His wife was of the Ladies' Society. (See notes on pages 3 and 18, last paragraph.)

The two female "members of the Church" who "did absent themselves from the communion, feeling scandalized by said sermon," were the witnesses.

The one testified thus: "The subject of the sermon was obedience, that we must obey Mr. W., and do as he said. The text was, I think, 'Obey them that have the rule over you;' or, 'Be in subjection to them that have the rule over you;' that was the import of it."

"It was very severe, and seemed to be a very severe whipping to the ladies of the Sewing Society that had not done as Mr. W. wished. It seemed to lay down the rules that we had not obeyed him, and we must obey him."

"We had not paid some orders that he had drawn upon our Treasury; we had not appropriated our money as he wished we should." (?)

"There was a demand sent in for us to pay, and I for one refused that the money of the Society should go to pay that order. It was an order, or a note, or a paper, or a bill that came to us; and, if I understood it, and as the other ladies understood it, it came from Mr. W. to pay for the use of the organ in the Church, and the platform on which it stood. We refused to pay it. I understood the organ had been hired by Mr. W."

"Mr. W., never called upon us for the money; I do not know that his name was for the order. I think there was never an order signed by Mr. W. at any time for payment of the organ; as I said before Mr. W. never called on us." (N. B. Compare this with third paragraph above.)

"The bill sent to us was \$2 for the platform, and \$18 for the organ."

"The ladies were not named in that discourse; neither was Mr. W., nor Mr. D., nor appropriation of monies. He didn't use the words plain; I inferred it; I understood it; I think the sermon was preached expressly for us. He did not mention the Sewing Society, but might as well have done so. It was perfectly understood what he meant."

"Miss—— said if Mr. W. preached many such sermons, he would preach to bare walls; she said it was a very ridiculous sermon."

"It was called a good Roman Catholic sermon. It seemed to be his purpose to inculcate in our minds that we must obey him in regard to the Church and to our religion; and as far as he said we could go, we could go. He was very severe on that particular point, that we must obey him as Rector of the Church; and when we had anything to give, and he called for it, we must give. It was new to me, the idea of our obeying Mr. W."

"He has never spoken to me on the subject. He has never called at our house but once since. I said that if he called upon me during the week following, and asked the reasons why I (absented myself from the communion,) I should think he was a good man; if not, I should never go to the communion again while he was in Trinity Church!"

The other witness testified thus:—"The sermon alluded to in Article 8th in the presentment, kept me away from the communion. I didn't think it was a suitable sermon for the occasion at all. It was his manner as much as anything. I didn't think that he was in a fit state of mind to administer the communion at that time. His manner was excited, very much so." (Query, when was it not so?)

"I cannot state in what month Epiphany Sunday is without looking to the Almanac."

"I can tell the text of that sermon, but not the book, chapter or verse; it was, "Subject yourselves to them that have the rule over you."

IX. With respect to Article IX., the respondent submits as follows :

It is not true, that the respondent "did publicly avow, declare and state that he did see the Bishop when and at the time of his arrival at Chicago, and added that he would go into the country." But that the respondent did go into the country at that time, is true ; also, that he "did not call upon the Bishop during his said visit, and did not invite him to consecrate Trinity Church, or confirm those whom he had reported of his Parish at the Convention at Springfield in 1845, as being ready for confirmation."

The facts and causes in relation to what is here denied and admitted are as follows :

At the visit of the Bishop to this city in June 1844, the respondent and the Bishop, as your Board are aware, were thrown into a position of coldness and distrust with regard to each other. An interview took place between them that was neither cordial nor pleasant, and which inspired feelings in the respondent of a very painful character.\* The bearing of the Bishop towards the respondent

"He did not in that discourse say Ladies' Society, but we all understood what he meant. "It was a good Roman Catholic sermon. The particular tenet advanced which I term Roman Catholic was, that we must obey him in all things, as to our religious duties ; he had the rule over us."

"If he had called to see me it would have been all explained. I said going from Church, we should think Mr. W. a Christian if he called to see why we didn't stay ; and if he did not, we should not?"

Now, in view of what is thus submitted, will any think it a matter of complaint that the two ladies, "members of Trinity Church" did absent themselves from the communion, as they are alleged to have done ? Had the Rector previously have known their state of mind and feeling, would he not have been required to insist that they should abstain until they should "repent and amend?"

But, for the conclusion of this matter. The sermon was produced in court, identified and read by the respondent. Instantly, and as by acclamation, the court and the counsel for the presenters! agreed that it was a most proper sermon—expressing at the same time, the wish that many more such might be preached in the Church.

How scrupulously the provisions of the laws of the Church and the laws of delicacy and propriety are observed in respect to the preaching of sermons by the "five persons," the presenters in this case, may be gathered in part from a fact which shall be here stated touching their chairman.

From Advent to Easter, it has been the custom of the Rector of Trinity Church to open his Church for a third Sunday service. During this season, on the evening of the fifth Sunday in Lent, (March 10th,) 1845, the "Rector of St. James' Church in Chicago," did, in the First Presbyterian meeting-house, next adjoining Trinity Church, in said city, preach a sermon from 2 Tim. iii. 16, the Rev. Wm. Oliver, Methodist, having conducted the preliminary devotions, said Trinity Church being open for its usual services at the time, "the said Rector well knowing the same."

On this occasion, the Book of Common Prayer was neither introduced nor recognised.

Now Canon XLV. of the General Convention thus provides :

"Every minister shall, before all sermons and lectures, and on all other occasions of public worship, use the Book of Common Prayer, as the same is or may be established by the authority of the General Convention of this Church. And in performing said Service no other prayer shall be used than those prescribed by the said book."

It may be stated that St. James' Church is in the northern part of Chicago, and that the river which separates it from the south, forms a natural "local boundary" between it and the parish of Trinity. How far the spirit of Canon XXXI. of the General Convention of 1844, on the subject "Of the officiating of ministers within the parochial cures of other clergymen," may be here applicable, others may determine.

That the Rev. Rector, on the occasion noticed, did cross the river, and in a house adjacent to Trinity Church, then open, as he was perfectly aware, "officiate by preaching," as has been stated, is perfectly true. Others may decide on his regard for law ; in this the respondent has only to show that his "ways are not equal." Of his activity in serving to present the respondent *thrice* (!) for alleged violations of law, while he himself could do, as has been stated, there shall nothing be here said.

\* At this interview, for adhering to what he believed to be canonically right, the respondent was angrily and harshly received ; saluted as "the man that had refused to obey his Bishop ;" declared to have been presented, according to a paper shown to him, then lying on the table ; and informed that he was thought to be "*ipso facto* suspended!"

On the present trial the Bishop testified, that at the date referred to, he "required three clergymen at that time in Chicago, to present" the respondent!

The testimony given was this :—"For some reason or other, known to himself, Mr.

ent during the said visit was not such as to soothe or dissipate them, though the respondent exerted himself and did all in his power to restore proper relations between the Bishop and himself. He invited him at that time to lay the corner stone of Trinity Church, and to officiate for him; asked him to partake of the hospitalities of his house, and invited the members of Trinity Parish generally to meet him there, to pay him respect; and sought to favor the interests of the Bishop by enlisting some of his parishioners then assembled in behalf of Jubilee College.\* On the eve of the Bishop's leaving, in the cordial interview between the Bishop and himself on board the steamboat, all the wishes of the respondent seemed to be realized. Under the conviction that this was the case, he wrote the letter of June 12, 1844, to the Bishop at Detroit, which is on your files. The letter of the Bishop in reply from Buffalo, under date of June 20, was not a response to the letter the receipt of which is acknowledged, and indicated, as it seemed, to the respondent, a relapse on the part of the Bishop into the state of mind and feeling with respect to the respondent, which had existed in Chicago prior to the steamboat interview.† That the letter written thus by the respondent was framed in exact accordance with what he understood to be the feelings of the Bishop when he parted with him on board the steamboat, is evident from the reply of the Bishop, wherein he says, "I wish you had made my written communication to you while at Chicago, instead of the oral conversation on board the steamboat the subject matter of your letter.

I referred you to that communication, and now repeat that reference."

It will be recollected that this conversation was subsequent to the letter referred to; and was thus naturally made the principal basis of the respondent's letter to the Bishop; though the respondent intended it to cover both, as will appear from the letters now on your files; that it did cover "the oral conversation on board the steamboat," the Bishop's letter, above quoted, clearly, though impliedly, admits.†

W. had disobeyed my orders as his Bishop. There were then three clergymen in town, to whom I gave the information, and required them to present Mr. W. for trial, in consequence of his breaking his ordination vows. They did present him as having broken his ordination vows. It was on this occasion that I addressed Mr. W. with some degree of earnestness, though certainly with affection, (!) and told him that the Court would certainly go on, and very likely he would be put into a state of suspension, which I should regret.(!)" See Appendix, M.

\* The respondent at this time thought Jubilee College an Institution of the Church in Illinois. His mistake was not at once discovered. The last Convention of the Diocese sought to set forth the right in respect to that Institution by the adoption of the report of a "Committee to whom was referred so much of the Bishop's Address as relates to Jubilee College," and which is in these terms, to wit:

"Galena, June 22, 1846.

"The committee to which was referred so much of the Bishop's address as concerns Jubilee College, ask leave to report:

"That the clerical and lay-members of this Convention have the most lively interest in the prosperity of that College; and that, as they disavow all claim to any control over it, or to any right to inquire into any act of the Bishop in relation thereto, as vested in this Convention: therefore they tender to the Bishop most respectfully their thanks for the information which he has voluntarily laid before them; and declare their continued confidence that the intentions of the donors to said College will be carried into effect by him wisely and faithfully.

"They unite in prayer to God, that life and health and means may be afforded to him to conduct this offspring of his last days to greater vigor and maturity.

CHARLES DRESSER,  
E. B. KELLOGG,  
JNO. T. WORTHINGTON.

"Which report was, on motion, received, and the sentiments therein expressed unanimously adopted."

There is a slight mistake here. The respondent did not concur in the above report; but moved that it be laid on the table.

† Appendix K.

The next meeting of the respondent with the Bishop was at the Convention in Springfield in 1845. At that meeting, and during the Convention, your Board are aware that the Bishop did not receive the respondent in a cordial manner, or recognize him in the relation of his Presbyter, as he did the other Presbyters then present, and members of the Convention; for that he alone of all present, was invited to participate in the conduct of no offices of the Church during the session of said Convention. June 23d, a few days after the Convention, the respondent addressed to the Bishop a letter asking for a reconciliation, putting himself before the Bishop for admonition and correction whereinsoever he thought him to have erred, or for a letter dismissary to another jurisdiction. This letter, though written in the most humble and respectful manner, was not deemed by the Bishop worthy of reply. It is upon your files.\*

The letter of July 14th, 1845, from the Bishop, saying that he would conditionally come to Chicago and consecrate Trinity Church, but saying nothing on the subject of confirmation in any way, was the next communication from the Bishop to the respondent. That communication was upon a subject in correspondence between the vestry and himself, and respecting which the vestry had caused him to be addressed by its Corresponding Secretary.†

No letter or notice of any kind was afterwards received from the Bishop by the respondent up to the time of his arrival here. The respondent had in the mean time been informed, that an appointment had been made by the Bishop for confirmation in St. James' Church in a letter to Rev. Mr. Kellogg.

Soon after the Bishop's arrival in Chicago, Col. George Davis was sent for by him, and enquired of in regard to the affairs of Trinity Church, properly under the cognizance of the Rector; and he was directed to obtain the information sought in respect to the same, and report to the Bishop. This course of the Bishop came to the respondent's knowledge, and seemed to him to indicate that he and the Bishop were again really in the position with respect to each other, which existed during the visit of the Bishop in 1844. He thereupon came to the conclusion that the Bishop did not intend to recognize him in his official relation, either to himself or Trinity Church. He felt that the justness of that conclusion would be determined either by the Bishop's calling on him, or by his giving him information that he was here—which would be an indication that he might call upon him, and his official position, at least, be recognized. Up to the hour for the services in St. James' Church, in the morning of Wednesday, the respondent waited in vain for any token of recognition on the part of the Bishop.

The Bishop arrived in this city on the evening of Monday. On the morning of that day, the respondent left a sick friend in the country, with whom he had spent the night previous—one of the members of a congregation for which he officiated on Sunday evenings during the last summer—and returned to this city, in order to be here and wait upon the Bishop, should he come, as he had heard he was to do, and be pleased to receive the respondent.

\* Appendix, N.

† Appendix, G.

Waiting until Wednesday morning, as before stated, and construing the course taken by the Bishop into an intimation that he cared not to see the respondent, and feeling that he could not, therefore, for reasons before stated, call upon him, he returned to the friend in the country, whom he had left on the Morning of Monday.

Had the respondent seen the Bishop at that visit he could not have invited him "to consecrate Trinity Church," because it was still in debt—under a debt which the vestry would not then remove; the Bishop, by his own declaration, having precluded an invitation to consecrate under such circumstances; "nor confirm those whom he reported of his parish at the Convention in Springfield of 1845, as being ready for confirmation;" for, not having received any notice whatever from the Bishop that he would visit Trinity Parish for the purpose of holding confirmation, he had prepared no candidates for the reception of that rite. Though several had the moral qualification requisite, and had been "ready and desirous" to be confirmed, there would have been no time or opportunity to prepare them intellectually, as is contemplated by the Church, and as is necessary to such an appreciation of the rite, as would enable them duly to profit by it.\*

Such is the answer of the respondent to Article IX.

\*The respondent deems it to be due to himself to state, that, at the date in question, Bishop Chase was on his way to the East, to attend the consecration of Dr. Potter, Bishop of Pennsylvania, and that Chicago was on his route. This may prevent the impression that the "visit" spoken of in Article 9th, was an "Episcopal Visitation," according to the Canon. It was in fact purely incidental.

By what law the respondent was "censurable in that he did not pay his respects to the Bishop, and present his class for confirmation," on the occasion of such a visit, he knows not. The only law of the Church on the subject "Of the duty of ministers in regard to Episcopal Visitations," of which he is cognizant, is Canon XXVI. of the General Convention of 1844, and which is in these terms, to wit:

"Sec. 1. It shall be the duty of Ministers to prepare young persons and others for the holy ordinance of Confirmation. And on notice being received from the Bishop, of his intention to visit any Church, which notice shall be at least one month before the intended Visitation, the Minister shall give immediate notice to his parishioners individually, as opportunity may offer; and also to the congregation on the first occasion of public worship after the receipt of said notice. And he shall be ready to present for Confirmation, such persons as he shall think properly qualified; and shall deliver to the Bishop a list of the names of those confirmed.

"Sec. 2. And at every Visitation it shall be the duty of the Minister, and of the Church wardens or vestry, to give information to the Bishop, of the state of the congregation, under such heads as shall have been committed to them in the notice given as aforesaid."

By this law, it will be seen, that the respondent owed no such duty to his Bishop at his "visit" in Chicago in 1845, as the censure of the Court would imply. That "visit" was a surprise, and not a canonically notified "visitation." The Canon devolves certain duties upon the minister of a parish at an "Episcopal Visitation," *when certain things have been done by the Bishop*. In this case, the Bishop had performed nothing on his part which was requisite to bind the respondent to the performance of any duties in return.

If the censure of the Court be not for a violation of a law of the Church, but for a breach of what they supposed to be courtesy, the respondent would respectfully submit, whether it was properly within their province to adjudicate on that point!

What has been stated in the "Answer" of the hearing of the Bishop towards the respondent, notwithstanding repeated efforts on his part and that of his parishioners to bring about a different state of things, may be thought to furnish at least some ground to justify the course of the respondent. Such a conviction will not be weakened by the following, in support of the Answer, and illustrative of the Bishop.

The matter is in the testimony of the Bishop thus, in his cross-examination:

"It was my pleasure, soon after my arrival, to send for Mr. Davis, and because I wished to enquire of him of the state and condition of Trinity Church in respect to Mr. W." [It should be borne in mind that at this date Trinity Church was united and prosperous, of which the Bishop had information; 1st, through the Corresponding Secretary of the Vestry, about three months previously; 2d, through the Rector, in his report to the Bishop at Convention in the month previous. Of course, the object of the Bishop was not to work disaffection!]

"COUNSEL.—Is it usual and respectful for the Bishop, when he visits a parish in his Diocese, to send for a layman to enquire into the situation of the Church, instead of sending for the Rector of the Church?

"BISHOP.—No, where the Rector is supposed to act correctly himself; but in the situ-

X. With respect to Article X., the respondent admits, that he did "in the store of Jacob Russell have mixed for him some brandy and sugar," as alleged therein, being unwell, which he did give at the time" as an excuse," and that he was probably in "high spirits"—for that he is very rarely depressed whether sick or well. And he does not deny, that on being told "that a certain man, his name being mentioned," to wit, A. C. Becker, "formerly a friend of the respondent, but then an enemy, was carried home drunk a few evenings previous to this time, from the Lake House, a hotel in this city, did instantly reply, that he was glad of it," and that he probably laughed "at the same time," stating, in explanation, that he was glad "he had such good friends to carry him home," although he has no recollection of these circumstances.

To understand the transaction here alleged to have occurred, it is only necessary to recal the fact that the respondent had repelled said Becker from the communion some time previously for drunkenness, among other things, and that he had been censured for so

ation I was then, I could not otherwise do. He had paid great disrespect to my commands. He had behaved, in my opinion, very disrespectful to his Bishop. Having no visit from any in the parish. I thought it was a concerted plan to pay me disrespect.

"COUNSEL.—In what manner and on what occasion did Mr. W. or his parishioners show great disrespect to the Bishop?"

"BISHOP.—By not meeting me according to appointment;" (?—there was no appointment,—see Answer and references;) "by not receiving me, and speaking friendly with me, as is always expected between a Church and its Bishop; I mean at the time of my arrival and during my stay here.

"COUNSEL.—Did you expect, after you had sent for a layman to enquire into the affairs of Mr. W.'s Church, that he would have called upon you?"

"BISHOP.—Most certainly; it was always his duty to call upon me. I expected him to come. My bosom was always open towards him." (!)

Now for the fashion of the Bishop's "open bosom" towards the respondent, at this time. It is furnished in a statement by Col. Davis, the parishioner of the respondent who was sent for by the Bishop.

He says, "after some preliminary conversation between myself and the Bishop in relation to Trinity Church, I enquired of the Bishop what Mr. W. could do that would promote a good understanding between them. Whereupon he went into a desultory accusation of Mr. W., stating that he had no right-mindedness; that he was a piece of Jesuitical twistification; that he had promised on board the boat to write him a penitential letter, instead of which he had sent him the 90th tract;" (see the letter, Appendix K;) "that he was a Benjamin T. man," &c., &c.

Such was the Bishop's "open bosom" towards the respondent! The same as it was in 1844, when he sent to the respondent's Vestry that he should officiate for Trinity congregation on the Sunday then following, (June 2,) and bring with him a presbyter, the Rev. Rector of St. James' Church, Mr. Kellogg! to read the services, and that Mr. Walker should be told to take his seat among the congregation; and when, on the Sunday subsequent to that, (June 9,) he did take the place of the respondent over his people, by assuming to officiate in the afternoon's services, having sent to the respondent to take his seat among the congregation, and told him that he thought he would not recognise him by officiating with him; that he thought him *ipso facto* suspended! So accusing, condemning, and suspending, by displacing from his rightful position, the respondent, without a hearing, a trial, or a warning!

If these things were not too bad to be done, they are not too bad to be told.

Duty requires the respondent to speak the truth plainly, that the difficulties of his position in the Diocese of Illinois may be understood, and a key furnished to his presentments and trial.

The Utica Gospel Messenger, of Nov. 20, furnishes the following, embracing principles which are quite *appropos* to the points now considered, from authorities that cannot be suspected:—

"We cut the following from the Witness of the 6th:

"With the editors of the Recorder we fully agree, that no 'bishop has a right to enjoin any thing upon his clergy, respecting matters which the church has chosen to leave to their own decision.'

"As successors of the apostles, they have sole authority in the exercise of certain functions in the Church; and as bishops of particular dioceses, they have certain conventional rights and powers, which are matters regulated by legislation, and are therefore clearly defined; beyond these, they have no right whatever to go in the exercise of assumed authority. Their privileges and duties, like those of deacons and presbyters, are limited, and should be fully understood by both clergy and laity, that they may be sustained to the very utmost, so long as they exercise their powers within apostolical and canonical bounds, and promptly resisted when they transcend their legitimate authority."

doing by some who were associated with Mr. Becker.\* When informed, therefore, that those same persons, who had so pursued the respondent, had now the evidence thus carried home to them that the course of the respondent in relation to said Becker was right, and he came to know that he must now be justified even by those who had before censured him, he very likely laughed and remarked, he was glad of it; glad, not that a fellow-creature was thus debased; but, being so, that his "good friends" had such evidence of it as was furnished them, when they were called "to carry him home."†

Such is the answer of the respondent to Article X.,—the last Article sought to be maintained in the presentment of 1846.

\* Appendix, M.

† The author of the charges, in Article 10th of the Presentment, was the sole witness called to substantiate them. The decision of the Court renders proper the introduction of his testimony here, that the means may be afforded for the formation of opinion as to how "far" the respondent "exhibited an unchristian temper," (see Verdict,) on the occasion referred to.

On taking the stand, the witness remarked, in a manner evincing with sufficient clearness his feelings towards the respondent and his interest in the case, "I am very glad to have this opportunity to tell what I know;" and then proceeded as follows:—

"I called at the store of Mr. Russell early in May, 1845, possibly September, about dark, and found Mr. R. and Mr. W. in conversation behind the counter. I think there was a clerk in the store—one other person. Mr. W. was having some brandy and sugar mixed for him. Mr. W. made the remark soon after I went in, that he was unwell, or something of that sort, and hoped that I, or we, would not circulate any bad stories about him on account of his taking some brandy and sugar.

"Mr. R. observed to Mr. W. that he understood a friend of his was carried home drunk from the Lake House a few evenings previous; Mr. Becker, I think he said. Mr. W. instantly replied, in a very earnest manner, that he was 'glad of it,' suiting the action to the word. After indulging in a very hearty laugh, he instantly changed his manner, and said, 'that is to say, that he had such very good friends to carry him home.'

"Mr. W.'s manner during the whole time, except when he altered his manner, was one of extreme levity.

"I think I never saw him look better than he did at that time. He appeared to be in very high spirits.

"I never repeated this conversation, except to two persons in private, nearly a year after.

"Mr. Russell's store was not a place where liquor was sold by the glass to be drank there.

"Mr. R. was, I believe, a Vestryman of Mr. W.'s church. Mr. W. stopped, when he first came here, awhile at a public hotel kept by Mr. Russell; had been boarding at his house a year or a year and a half previous to that time.

"After the conversation at Mr. Russell's about Becker, I did take a pew in, and, till last April, attend Mr. W.'s church, on account of my family."

In answer to the questions, "Are you one of the instigators of this prosecution? Did you write a letter to the Bishop on the subject? Or, have you contributed any money or means for carrying it on, or obligated yourself to do so?" the reply was:

"I signed a letter to the Bishop with others;" (see Preface, and page 3, note,) "asking that Mr. W. might be tried on the charges preferred against him by St. James' Church. In that letter the signers promised the Bishop that we would pay the expenses in carrying on the trial, (&) and that we wished to prefer charges against Mr. W."(!)

"I think it likely there was a pledge given that money should be contributed to pay the expenses of the second trial; don't recollect particularly."

"I have sent \$20 to the Bishop to pay the expenses of Mr. Worthington," (the Counsel employed by the Bishop to prosecute,) "to Galena. Mr. Arnold called on me to know who was going to indemnify him as commissary. I gave him \$20, and told him that he must consider that as an evidence that he was not expected to labor for nothing. Have given in all \$50; expect to give more if necessary. Have made no agreement with the Counsel," (Mr. A.) "but assured him that we expected to pay him for his labor." (Mr. W. was 1st Counsel employed by the Bishop; Mr. A. 2d, employed by the persons referred to by the witness.)

"I do not feel indifferent as to the result of this trial; I think Mr. W. a very bad man, and think he should be stopped preaching.

"I am not a member of the Protestant Episcopal Church; have never been baptized; was brought up among the Quakers."

The sister of this witness is the wife of the man noticed on page 18, in last two paragraphs of the note; in Preface; in note on page 3; and elsewhere, as the originator and fomentor of discontent with respect to the respondent; and the sister of that man is the wife of this witness! That the witness should sympathise with his brother-in-law, and act with him against the respondent, is no marvel. That brother-in-law was the author of the letter to the Bishop noticed in the testimony; was one of its signers, and was by the Bishop, in return, appointed one of the "five persons" to present!

In his deposition before the Commissary, this witness testified of that person as fol-



[XI. With respect to Article XI., it may be proper here to state, that the occurrence on which it is founded was simply a misunderstanding in relation to a contract, in which each party held his own views, and thus *impliedly* reflected on the other. The matter was almost instantly amicably adjusted; and the relation of the parties has in no degree been interfered with by the occurrence. How the mole-hill became a mountain would, under other circumstances than those which have attended the presentment of the respondent, be inexplicable.]

That the foregoing answers contain a full and complete statement of the facts to which the several Articles in the presentment of 1846 relate, so far as those facts rest in the memory of this respondent, is solemnly affirmed.

In full view of his responsibilities, the respondent here, in the presence of Almighty God, of the angels who may inhabit these courts, and of the witnesses now present, declares, that in so far as fault unexplained is involved in the allegations against him, that fault is to be attributed to the head and not to the heart.

At the same time, the respondent acknowledges, that he has often and again "erred and strayed from God's ways;" that he has repeatedly "left undone the things he ought to have done, and done the things he ought not to have done;" that he has in many ways "offended against God's holy laws;" in short, that there is "no spiritual health in him." But, thanks be to God, "there is mercy with Him." He is "not extreme to mark what is done amiss."

lows:—"He, (Sherwood,) with others, signed the letter to the Bishop calling for this trial, and saying in that letter that he, with the others, would pay the expenses of the trial. He gave something towards the expenses of those ministers that were here," (his associate presenters.)

Now this is the witness and this the testimony that served for the decision of the Court on Article 10th; and this, too, with the additional qualifying particular, that Mr. Russell himself testified,—“I have no recollection of Mr. W. ever drinking any thing at my store.”

The facts in connection with the "brandy and sugar" are these, to wit: The respondent had been some days ill from disordered stomach and bowels; and during the time had tried several simple medicinal agents without effect. On the occasion referred to, he was on his way to his house, which led him to pass Mr. Russell's store; Mr. R. was standing in the store door; and as the respondent came up, he accosted him, and said, "How do you do?" The reply was, "Not well," and the particular ailment was named; at the same time Mr. R. was asked if he could not furnish the respondent some brandy and sugar, which he said he would like to try, for that he had none at home. While the brandy and sugar was preparing, Mr. Collins, the above witness, came in, to whom the respondent mentioned his illness, and what he proposed to try, at the same time saying jocosely what the witness alleges. Collins was at that time friendly; hence the respondent was somewhat unreserved and familiar in his presence.

Of the other allegations in the Article, no more can be said than is given in the Answer.

So unimportant were the occurrences at Russell's deemed at the time, that they made no impression whatever on the mind or memory of Mr. R. himself; nor did the witness attach importance to them "till nearly a year after!" when, after the defeat at the Easter election, charges were to be preferred against Mr. W.

The "high spirits" of the respondent then, when Collins had become enlisted against him, came to be deemed "levity;" his "having mixed some brandy and sugar"—(that it was drank is not charged!)—to be taken medicinally for an illness for which it is confessedly an appropriate remedy, at the store of his Vestryman, whose house had been for some time his home, and telling of the matter himself, but for which it need not have been known, were now, all too obviously, sin; and the remark, certainly not unnatural under the circumstances, (see Appendix, M,) and by no means necessarily indicative of improper feeling in the breast of the respondent, had come to be considered immoral—a "scandal and injury to the Church!"

The hostility of the witness indicated by the letter to the Bishop, the money he has given, and his readiness still to give, with his own declaration that he was "not indifferent as to the result of the trial," and his opinion of the respondent, furnish the key to the change which came over his mental vision in respect to the moral qualities of what took place at Russell's store. It seems strange that the Court did not see, or seeing, did not apply it.

“He is gracious and merciful, slow to anger, and of great kindness,” as He is “faithful and just” to forgive, according to His promises in Christ Jesus our Lord. Still, with respect to the allegations against the respondent, to which answers have been made, the declaration is true—“not guilty in the form and manner stated;”—not guilty in intention at all is equally true.

To you, Rev. Brethren, the respondent now commits his case. To you, under God, he is to look for a verdict upon it, which will have a vastly controlling influence, for his weal or his wo. Your power, with respect to him, may be a savor of life or of death. Oh, may you be saved from the fearful error of causelessly breaking the bruised reed!

May the Almighty Spirit, which was sent to the holy Apostles to guide them into all truth, be poured upon you, to save you from all error, ignorance, pride and prejudice, and be to you a spirit of wisdom and understanding, that you may have a right judgment in all the matters before you pertaining to this respondent! Brethren, realize I pray you, the responsibility resting upon you with respect to this case, and seek of God His grace to enable you so to quit yourselves as shall find favor for you in the Church here, and of the Great Head of the Church, both here and hereafter. Seek to render such a judgment as shall meet with approval when we shall all finally be gathered before the Son of Man, sitting as Judge, and have rendered unto us every man according as his work shall be. In full confidence in the fairness and impartiality with which you will make up your final estimate on his case, the respondent will wait in patience, under God, for your verdict. Asking you to remember that an error against him will be irretrievably fatal, and that the most vital interests of a hopeful branch of the Church, not less than those of the respondent are at stake, the case is now submitted,—the assurance being added, that the respondent will continue instant in prayer for you, that you may be saved from all error.

Faithfully and affectionately,

Your brother in the Church,

W. F. WALKER.

*Chicago, September 9, 1846.*

A brief history will furnish the key to this trial.

Trinity Church was united, and, for an infant congregation, in the enjoyment of an almost unexampled prosperity, till September 1845. The first schism in its councils took place in that month. S. J. Sherwood, Warden, was the party in it. Feeling himself to have been crossed in effecting the diversion to other purposes than those for which they had been raised, certain moneys that had been collected, through the instrumentality of the respondent and his friends, for a specific object connected with Trinity Church edifice, he became indignant at the respondent, and sent him his resignation; and this, notwithstanding the following opinion of the Bishop, by which the respondent would have been sustained, had Sherwood's supposition and allegation been true:—“The right of donors to designate the object and conditions of their donations is a principle in law of the most sacred character. I know of no authority to set this aside, either in Church or State. It is above Canon Law, and the Law of Legislatures; and has been so determined by Chief Justice Marshall.”

In reference to the same, Sherwood testified on the trial as follows:—

“The day I resigned my office as Warden, and immediately after, I met Mr. W. and told him that I was satisfied that he was at the bottom of it; and if that was to be his course of proceeding, I had made up my mind to have nothing to do with Church affairs; and that I had sent him my resignation. . . . I spoke in an animated manner to Mr. W., and expressed my indignation. . . . I told him his conduct was outrageous.”

The effect of Sherwood's treatment on the respondent at this interview, is in the testimony of a witness on the trial, thus:

“While passing up Lake street, and when opposite Mr. Sherwood's store, Mr. Walker

came across the street and met me, apparently in much affliction, with tears in his eyes. He stated to me that he had been insulted and abused; and that the only way for him to secure his own peace of mind was to resign."

The truth is, the respondent had no heart for the struggle which he clearly foresaw Sherwood's displeasure would cost him, should he retain his position. Peculiar associations and circumstances seemed to have given Sherwood a power in Trinity Church against which, it was believed, it would not be easy to stand. The respondent was therefore disposed at once to sever the tie between him and that Church, and so escape the conflict. His friends remonstrated, and he yielded to their wishes.

"Previous to that time," testified Sherwood, "the intercourse between myself and Mr. W. had been of a friendly character. . . . I don't remember that there had been any difficulty in the Society previously."

"Since that time, I have been opposed to Mr. W., and have expressed myself as opposed to him. I had no other motive than the good of the Church. I did not think he did right. My only object in opposing him was, that there might be a change in the ministry in this Church; that we might get back again, and enjoy its privileges." For, he might have added, at the date in question, I ceased my attendance on the Holy Communion, and almost entirely on the services in Trinity Church. This was his testimony in effect.

The opposition of Sherwood led him thenceforward to employ himself, with a zeal and assiduity which may be inferred from this statement, in manufacturing a sentiment among the members of the congregation corresponding with his own; "doing nothing further," in this way, however, was his testimony, "than to state to my friends and to others interested in the Church, my opinion of Mr. W. and his conduct, and state to them what were the facts in the case." (!)

Notwithstanding this adverse influence, the then Treasurer, now an opponent, testified, that "the revenues of Trinity Church were greater during the last two quarters of the year," and that "there was a gradual increase in the congregation up to Easter last."

In the deposition of another witness is the following, on the same subject, from the Junior Warden, who subsequently became "a Sherwood man."

"I had a conversation with him," said the witness, "some time in January or February last,"—two months before Easter. "I remarked to him that I thought they were trying to get up some disturbances against Mr. W. He remarked that he had not heard any thing of the kind, and that he should be sorry to have any disturbances; he thought the Church was getting along finely, and he was not aware that there was any thing against Mr. W."

This may serve to show that an issue foreign to the real "good of the Church" had been made by Sherwood.

Such was the state of things down to Tuesday, March 3d. In the course of the morning of that day, the respondent found that Sherwood had been active in calling upon members of the Vestry, himself not of the Board, and urging them to hold their regular meeting that afternoon, and pass a resolution that had been drawn up requesting the respondent to resign. The trap thus set, and all ready in a few hours to be sprung, was mercifully disclosed. But unwilling now, as before, to engage in any struggle in connection with the Church, having a primary reference to himself, the respondent said to his friends that he should resign; though he would not be driven by the course an opposition had proposed. A major part of the Vestry, friendly to the respondent, decided that they would not attend the meeting for that day, unless the respondent should himself call them together. At this time, and under these circumstances, the *forged* notice issued.

Sherwood, from this time became open, unscrupulous and violent. Being informed that such was the fact with respect to him, the respondent determined to seek an early interview with him, and, by explanation, endeavor to allay his irritation. Opportunity soon offered. The testimony of a witness as to what occurred at the interview on the evening of March 3d, was as follows:—

"Mr. Walker, Mr. W. Stuart, and Mr. W. H. Adams, of the P. O.," (not the Junior Warden of the same name,) "and myself, met Mr. Sherwood on Clarke street, near the Post Office. Mr. W. stopped Mr. S. and offered him his hand, which he did not take; and said to him (Sherwood) that he wished to talk about the Vestry meeting. Mr. S., in a very angry, exciting, and insulting manner, said, 'I will hear nothing from you. I consider you a tricky and dishonest man.' Mr. W. then attempted to expostulate with him. Mr. S. replied, 'Mr. W., I wish to hear nothing from you; I will not hear it;' and turned on his heel and left us."

Foreseeing that the long-threatened issue now open was inevitable, if the respondent retained his position; against the wishes of his friends, he addressed the following letter to the Bishop:—

"CHICAGO, March 3, 1846.

"Right Reverend and Dear Sir:

"Please oblige me with your consent to my resigning the Rectorship of Trinity Church in this city, and a letter dimissory to the jurisdiction of the Rt. Rev. Bishop Kemper.

"My conviction is that the interests of Trinity Church will be subserved by the change contemplated, while a sphere of at least equal usefulness may be opened to me.

"Yours faithfully,

"W. F. WALKER.

"To the Rt. Rev. P. CHASE, D. D., Bishop of Illinois."

To this letter the following reply was received March 16th.

"To the Rev. W. F. WALKER, Rector of Trinity Church, Chicago, Ill.  
"JUBILEE, March 10, 1845.

"Rev. Sir—

"I received yesterday your letter of the 3d instant.

"You say, 'Please oblige me with your consent to my resigning the Rectorship of Trinity Church in this city.'

"Mr. Walker: I consider this request as out of place.

"I cannot give my consent to a thing which, on examination, I may think ought not to take place.

"For this reason I say: When I shall have been informed that you have resigned, and the Wardens and Vestry shall have accepted your resignation, both having given their reasons, I shall think it my duty to consider the matter, and give or withhold my consent, as the case may appear to require.

"It seems proper that the Vestry of Trinity Church, Chicago, should be apprised of your movements;—I therefore shall send them a copy of this letter.

"I am your friend and servant in Christ,

"PHILANDER CHASE,  
"Bishop of Illinois."

In the mean time, the friends of the respondent rallied, and insisted that he should not resign, certifying to him that a very large majority of the congregation and communicants were in his favor. The letter of the Bishop concluded the matter in accordance with their wishes, by precluding a resignation.

On the concluding paragraph of that letter comment is unnecessary; but it may be stated that the intimation was deemed sufficient to justify Sherwood in the supposition that he had the Bishop with him. He accordingly, on the day after the receipt of the Bishop's letter, addressed him, and gained his ear against the respondent.

The reply of the Bishop was written April 2d, and invited a trial of the respondent, thus: "If he be a bad man he never can be regularly dismissed, neither from the parish or the diocese. If he be a good man and wrongfully accused, the Church and the world ought to be disabused, his reputation being very much injured as it is."

It was now given out that the respondent *must* resign or he would be forced to do so; if not otherwise, that charges would be preferred against him, and he would "be silenced."

Sherwood had by this time succeeded in leaguing together with him in his measures of hostility some six or seven male members of the congregation; and, through the Ladies' Sewing Society, and directly himself, in enlisting some others in the belief that so prominent a man as himself, and some of the six or seven who were with him, having become opposed to the respondent, it was expedient for him to resign. Of the former class were the witnesses on this trial, Hatfield and Collins; (pages 24, 25, 32, and 33;) from the portions of their testimony, which have been submitted, it will be inferred how faithful as allies they proved themselves.

The Easter election was now looked forward to as the time when an expression would be made relative to the respondent, that would be decisive. "Previous to the Easter election," testified a witness, the Senior Warden of the Church, "I was told it would be of no use to make much exertion in favor of Mr. W., as the Sherwood men would be on the ground and beat me.

"I then determined to enquire, for my own satisfaction, how the parishioners were affected towards Mr. W. The result of the enquiry was, that there was a majority of two to one of the congregation in favor of Mr. W., and a large majority of the communicants."

At the election it transpired that Sherwood had succeeded in securing the co-operation of nineteen in the warfare which himself had begun.

His bearing at the election was given by a witness thus:

"Mr. S. was very much excited; from his language and manner, I should think he was very angry. I do not recollect the words used by him; only the impression left upon my mind at the time,—that I could not myself calmly listen to such language had I been in Mr. W.'s position, and wondered how Mr. W. could. I was observing Mr. W. very closely, feeling very anxious that, in the midst of such exciting elements, he should preserve his calmness and composure. Mr. W. comported himself with a dignity and calmness with which I myself was astonished, as well as gratified, in view of the violent language used by those who were opposed to him. He undoubtedly felt some interest in the result, but I unhesitatingly say, that his whole conduct was calm, and in accordance with his position. . . . I judged Mr. W. by myself. I knew him to be a man of a generous and ardent temperament, and felt that I myself, under such circumstances, could not have maintained the composure that he did."

The secret is, the respondent "knew Whom he had believed, and was persuaded that He was able to keep that which he had committed to Him." Hence, he was "in nothing terrified;" but his "heart was fixed, trusting in the Lord."

With Sherwood were "his men;" they were all "on the ground." But, in the result they were found to have been defeated by a large majority. (See page 15.) Immediately, several of them took up, some *tore up*, their cushions, &c. in the Church, and left, bearing them away under their arms.

The final step remained to be taken. Sherwood now became the author of a letter to the Bishop, (page 3, note,) asking that the respondent might be tried on charges which he himself had characterised (and the opinion now stands over his own head) as "unjust aspersion and malicious persecution," to wit: the charges in the 2d presentment of 1844; (see Appendix, I;) pledging himself, with others, thus: "We hold ourselves responsible for the expenses of the trial, should it be granted;" and stating, "if acquitted we propose to prefer other charges against him." This letter was signed by seven besides Sherwood. The Bishop thereupon decided to grant more than the boon asked; to wit: a trial on the former charges, and a chance for a second, irrespective of the conditions of the letter.

Accordingly, Sherwood was appointed one of "five persons;" Gurdon S. Hubbard, a complainant of the respondent, another; the Rev. William Allanson, likewise a complainant of the respondent, another; the Rev. Rector of St. James' Church, Chicago, E. B. Kellogg, likewise a complainant of the respondent, another; and the Rev. Charles J. Todd another; who, by their act, are now known as "presenters." To speak of persons occupying the position previously towards the respondent which they occupied as the committee of "investigation," contemplated by the Canon, is preposterous. They could not "examine the case;" and they did not attempt it. They were agreed in the opinion of the Rev. E. B. Kellogg, that it was their "duty to proceed *ex parte*!" Consequently, during their session, they were termed, by those in the same interest, a "a committee to get up charges." This duty they performed. There was, "in the opinion" of Sherwood and his four associates, "sufficient ground for presentment," and the respondent was presented accordingly! That presentment was entertained by the Bishop; and both he and Sherwood were witnesses against the respondent on the trial!

Thus, Sherwood, by his zeal for "the good of the Church," was induced to serve, in this case, as solicitor for the trial; as accusing witness; as supporter, at the same time, by his means, of the prosecution; and, at the same time, as judge to decide upon the respondent's probable guilt or innocence!

Of the Bishop's testimony it is not necessary here to speak. That of Sherwood was most remarkable. It afforded a striking illustration of the power of passion so to delude a man as to cause him to "believe a lie."

This must be the apology for a witness who, in his zeal to prove disrespect shown by the respondent to the Bishop, at his visit in Chicago in 1845, could testify,—"I was here when he arrived; Mr. W. called at my store immediately after, and stated to me that he had seen the Bishop; and that day, or the day after, he called again, and proposed to go into the country for the purpose of avoiding the Bishop;" and that he afterwards "reproved him for it, telling him it was his duty to return good for evil;" when, in fact, he was in New York at the time of the Bishop's arrival in Chicago, and on Lake Erie at the date of his departure! That he *meant* to state an untruth is not believed nor intended to be intimated; indeed, "after conversation with some of his friends on the subject," he did correct himself in part; the matter is stated simply to illustrate a temper which has been so zealous for "the good of the Church," and which is the key to, as it was the cause of, the respondent's trial.

That temper, it is proper here to state, does not appear to have been improved by the Verdict of the Court. Indeed, that Verdict seems to be taken harder than was the result of the Easter election. Not understanding how it has come to pass that the Court did not find as he had sought to have them, and unwilling to own the interposition of Mercy on the behalf of the respondent, Sherwood attributes it to another agency; and now, in a communication to the Senior Warden of his Church, characterizes him (the respondent) as bearing "the hook and the claw!"

In this state of mind he does not of course attend on the public duties of religion in Trinity Church. Not having recovered from a dislike to St. James', which resulted in the first schism in that parish, under the respondent's faithful and self-denying predecessor, who first occupied this field as missionary, and established the Church here, he cannot, or will not, worship there. In his zeal for "the good of the Church," he has thus cut himself off from the congregations here, and brought himself to live in the practical disregard of his highest duties.

Such is the temper that has here worked against the respondent; such the spirit by which he has been pursued to the hazard of all that he in life holds dearest; such the instrumentality by which the preceding Charges were aggregated; such the key to the respondent's presentment and trial.

It occasions sincere pain to the respondent thus to write. But the duty seems to be so laid upon him, that he may not shrink from it. His friends abroad claim to know the things which he has suffered, with the facts attending them. For them, chiefly, this paper is intended. At home, it is neither required nor needed.

In the language of the judicious Hooker, slightly accommodated: "The greater part of the good people here at this day already perceive, and others be like hereafter a great deal more plainly to discern, not that the respondent in the case now submitted, has been thus heaved at because he is wicked, but that these means have been used to put it into the heads of the multitude that he is such indeed, to the end that those who thirst for the control of 'the inheritance which God hath given him to inherit,' may, till such time as they have their purpose, be thought to covet nothing but only the just extinguishment of an unreformable person; so that in regard of such men's intentions practices, and machinations against him, the part that suffereth these things may most fitly pray with David, 'Judge Thou me, O Lord, according to thy righteousness, and according unto mine innocency: O let the malice of the wicked come to an end, and be Thou the guide of the just.'

"Notwithstanding, forasmuch as it doth not stand with Christian humility otherwise to think, than that this violent outrage of men is a rod in the ireful hand of the Lord our God, the smart whereof he deserves to feel, let it not seem grievous in the eyes of his Right Rev. Fathers, the Bishops of this Church, or of his brethren of the clergy and laity, who may see these pages, that the respondent should offer these things to their good consideration."

The history is submitted without comment.

The foregoing Answer is printed as it was read, with some slight exceptions, which are, for the most part, indicated by brackets. It deserves to be stated, in bar of a rigid criticism, that it was drawn up in Court, during the last hours of its session, while the Counsel were engaged in summing up the case, and under the excitement and distraction necessarily incident to such a scene, and to an hour on which such issues were depending as the respondent had then at stake. It was not intended as evidence, but as an explanation. As such, it was unquestioned at the time, and is sustained by the decision of the Court. It therefore accords with the evidence adduced on

the trial. Hence, there is here furnished the *data* by which the presenters were influenced to present, and the Bishop to put upon trial the subject of their united dislike. By a comparison of all with the 37th General Canon, (see Introduction, page 3,) wherein is set forth the "offences for which ministers shall be tried and punished," it may be judged whether these charges were exactly measured by that law, as it is commonly received; or whether the sense of that law was expanded to suit a case, according to a principle set forth by Bishop Chase, and believed to be peculiar to himself, to wit: "The Canon of the Church refers to the Rubric, and Rubric carries into effect the injunction of Holy Scripture; and wherein the Rubric is silent as to the *method* of carrying the Scriptural injunctions into effect, it is the duty of the Bishop to judge whether the *intent* of the Rubric as founded on Scripture has been fulfilled or not."—(*Decision of Bishop Chase on the case of Becker, June, 1844, Appendix, M.*) Hence it is, probably, that Bishop Chase has been wont to sign himself "Bishop and Judge."

The charges preferred against the respondent never of themselves gave him but small concern. He felt, it is true, keenly felt, the odium attached to a presentment; and was not insensible to the fact that abroad, where the circumstances were not understood, and the parties not known, as at home, he would inevitably suffer from such *prima facie* evidence of faultiness. But he has ever believed that the matters affecting him would come to be understood eventually; and because of this hope he has, for the most part, been of good courage.

There have been circumstances connected with the finding, entertaining, and trying of those charges which have inspired deeper concern. Episcopal influence, and the influence of wealth, are stern matters for a dependant presbyter to encounter and stand against. They are sometimes fearful in their bearings upon the administration of justice.\* But in this case, thanks to God! the weak things of the world have confounded the mighty. The respondent has escaped the snares of the fowlers; and with a united and increasing congregation, bound to him and he to them all the more closely for the things he has suffered, strives to glorify his Lord and Master on this behalf—for that He has been to him a present help in all the time of his trouble; for that He has proved Himself, in his case, A STRENGTH TO THE POOR, A STRENGTH TO THE NEEDY IN HIS DISTRESS, A REFUGE FROM THE STORM, A SHADOW FROM THE HEAT, WHEN THE ELAST OF THE TERRIBLE ONES WAS AS A STORM AGAINST THE WALL. (Isa. XXV. 4.)

☞ Answer could not be here made, as was proposed, (page 13,) to the presentment of 1844, because the Court declined to sit to try it—deeming it out of Court, and defunct; though the respondent asked and urged that he might be tried on it on his own motion, and the same had been consented to by all parties at the opening of this case.

"We accept the proposition to proceed upon both presentments," was the declaration of the presenters' counsel. The counsel employed by the Bishop, and the Court acquiesced.

A brief answer, or explanation, shall accompany it in the Appendix.

\* In illustration it may be stated, that in this case, Bishop Chase, while on the stand, as a witness, and in a manner that will not soon pass from the memory of those who witnessed it, shook his hand emphatically at the Court, and said—"They may remember that they too are amenable!"

### III. VERDICT OF THE COURT.

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The Ecclesiastical Court convened in the city of Chicago on the 26th of August in the year of our Lord 1846, to try the Rev. Wm. F. Walker, on certain charges and specifications alleged against him in a Presentment bearing date the sixth of May, after patiently listening to the evidence adduced by the parties, and the arguments of their counsel, and carefully deliberating upon the testimony, have agreed upon the following verdict, to wit :

SPECIFICATION FIRST—Not guilty in the form alleged, and censurable only for taking any part in an election under circumstances so exciting.

SPECIFICATION SECOND—Not guilty.

SPECIFICATION THIRD—No evidence received.

SPECIFICATION FOURTH—Not guilty.

SPECIFICATION FIFTH—Not guilty.

SPECIFICATION SIXTH—Not guilty.

SPECIFICATION SEVENTH—Guilty, in that he exhibited an unchristian temper.

SPECIFICATION EIGHTH—Not guilty.

SPECIFICATION NINTH—Not guilty, in manner and form alleged, but censurable in that he did not pay his respects to the Bishop, and present his class for confirmation.

SPECIFICATION TENTH—Guilty in so far as he exhibited an unchristian temper.

SPECIFICATION ELEVENTH—No evidence adduced.  
(Signed.)

CHARLES DRESSER,  
GEO. P. GIDDINGE,  
JOSEPH L. DARROW,  
JAMES DE PUI.

*To the Right Rev. P. CHASE, D. D., Bishop of the Diocese of Illinois :*

The Court above named, in accordance with the provisions of Canon first of the Diocesan Convention of 1845, still further express and recommend as their opinion, that he pronounce upon the Rev. respondent the lightest penalty that the General Canon allows, viz. admonition.

Still farther, in view of what the respondent has already suffered, and the expense of a journey to the Bishop's residence, the

Court would respectfully suggest that the admonition be administered without exacting his attendance.

Signed in behalf of the Court,  
CHARLES DRESSER, Pres't.

Chicago, Sept. 10th, 1846.

I certify that the above is a true copy of the verdict and opinion of the Court, as originally given.

GEO. P. GIDDINGE.

There are some striking peculiarities in the above "Verdict."

The "decision on the charges respectively," it will be seen,

First, is, in fact, an acquittal "on the charges contained in the presentment."

Second, that it convicts for certain faults not "contained in the presentment," but deduced by the Court. (See *Dioces. Canon*, page 5, sec. 9.)

Third, that the faults thus deduced by the Court are not recognised in the General Canon, which specifies the "offences for which ministers shall be tried and punished." (See *Gen. Canon*, page 4, sec. 1 and 2.)

Fourth, that the Court "still further express and recommend as their opinion," a "sentence which should be pronounced," to wit: "the lightest penalty that the General Canon allows, viz., admonition, administered without exacting his," (the respondent's) "attendance," which contravenes the following provision in the Diocesan Canon:

"Before pronouncing any sentence, the Bishop shall summon the accused, and any three or more of the clergy, to meet him at such time as may in his opinion be most convenient, in some church to be designated by him, which shall for that purpose be open at the time to all persons who may chose to attend, and the sentence shall then and there be publicly pronounced by the Bishop."

Fifth, that the "penalty" "recommended by the Board," and allowed, as recommended, by "the General Canon," may not be exceeded, because of the provision in the Diocesan Canon, that the sentence which the Bishop, (who is executive of "the Board" in so far as relates to the pronouncing of the sentence,) "shall pronounce, shall not exceed in severity the sentence recommended by the Board; and such sentence shall be final."

This, then, in short, appears to be the state of the case with respect to the "Verdict," to wit: that the Bishop should declare judgment to have been rendered in favor of the respondent, notwithstanding the "Verdict;" and for the reasons,

1st, That the "decision" in the Verdict, "on the charges respectively," so far as it finds the respondent guilty, does it not for "offences" recognized by Canon, and charged in the presentment, but touching such indiscretions of the respondent as the Court seemed to have thought incidental to the subject matter of such charges, and, therefore, as to the Court, "*coram non iudice*."

2d, Because the sentence in the Verdict, if executed, must be taken in its integral character; but the sentence recommended, as recommended, and manifestly allowed as recommended by the General Canon, cannot be pronounced, because of its contrariety to the Diocesan Canon; and because the same Canon will not allow that sentence to be so pronounced, as to be in accordance with it.

All this is submitted without intentional disrespect to the Court, in whose conscientiousness and disposition to perform their duty in the case, the respondent has and has ever had the most entire confidence; and towards every member of which he cherishes the regard of a brother in the Church. He is duly sensible of the difficult and embarrassing nature of their position. Therefore in scrutinizing and criticizing thus their Verdict, he bars the supposition that it is his intention to find fault with or to censure them.



## APPENDIX,

Containing the papers referred to in the foregoing, and matters connected with them.

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A, page 16.

The following is so much of the provision in the "By-Laws of the Vestry of Trinity Church" on the subject of "meetings of the Board," as this issue involves:—

There shall be stated meetings of the Board on the first Tuesday of each month, and occasional meetings at any time, on the request of any three members of the Board; provided, in such case, at least one day's notice be given in writing under the hand of the Rector, if there be one; if there be no Rector, or he be absent, of one of the Church-wardens, or the time be fixed by adjournment at a previous meeting.—*By-Laws of the Vestry of Trinity Church, Article V. Sec. 1.*

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B, page 16.

The following is the note referred to:

*Major H.:*—

There are no notices to be given for a Vestry meeting to-day. The Sen. Warden is engaged in Court, and, together with several members of the Vestry whom I have seen, thinks a meeting not necessary.

Yours, W. F. WALKER.

[CHICAGO, March 3, 1846.]

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C, page 16.

The *forged* note referred to was as follows:

*Dear Sir:*

Please attend a stated meeting of the Board of Trinity Church on the 3d instant, Tuesday, at 3 o'clock, P. M., at the office of the Clerk of the Board of Vestry, No. 144 Lake street.

Yours truly,

W. F. WALKER, Rector.

ISAAC P. HATFIELD, Clerk.

CHICAGO, Tuesday morning, March 3d, 1846.

D, page 17.

The "note" alleged, in Article II. of the Presentment, to have been "received from Mr. W. addressed to the Vestry, stating that the Vestry-room of the Church was the proper place to hold the meeting, and that he would meet them there at 3 o'clock," (see page 8,) and referred to in page 17, was the following :

Mr. W. H. ADAMS, *Warden of Trinity Church.*

*My Dear Sir :*

There has this moment been put into my hands a notice for a meeting of the Vestry of Trinity Church, at the office of the Clerk of the Board of Vestry, this afternoon at 3 o'clock, purporting to be signed by myself as Rector. The object of this communication is to inform you, and any others who may assemble pursuant to such notice,—which probably has been circulated among the Vestry,—that no such notice has issued from me ; that, on the contrary, I instructed the Clerk to call no meeting to-day, and to pronounce said notice a *forgery*.

Disavowing entirely the notice, which was unnecessary as it was sinful, for that the By-Laws appoint the stated meetings expressly for the first Tuesday in each month, I shall be at the place at which our stated meetings have ever been holden—the Vestry-room of the Church—and be ready to open and be present in a Vestry meeting, should a quorum be present, and at the usual hour of 3 o'clock.

Yours faithfully,

W. F. WALKER,  
Rector of Trinity Church.

TUESDAY, March 3, 1846.

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E, page 19.

*Letter to the Bishop.*

CHICAGO, April 24, 1845.

*Right Rev. and Dear Sir :*

Shall our Church be consecrated, and confirmation be administered in it for my parish this season ?

Many are the enquiries made of me almost weekly on these subjects, which I am unable to answer. Several candidates await confirmation, and all interested would be happy to have our neat and commodious Temple consecrated to Him for whose worship and service it has been erected.

If you should visit us for the purposes named, it would gratify me and mine to have you make our house your home during your stay here ; though Mr. Sherwood, Warden, will claim the favor of entertaining you.

That a visit to Chicago now would prove more grateful to you than was your last, I may assure you with some confidence.

That it would give me pleasure to hear from my Bishop, I need hardly say ; and to meet him as we parted on board of the steamboat, since which he has encountered such duties and trials, would make me especially happy. I had hoped to have heard from him since his return ; but have not, except in the communication of the sentences of the suspended Bishops.

Those sentences were published by me as required.

I am, Bishop, yours,  
faithfully and dutifully,

W. F. WALKER.

Rt. Rev. P. CHASE, D. D.

F, page 19.

*Reply from the Bishop.*

JUBILEE, 30th April, 1845.

To the Rev. W. F. WALKER.

*Dear Sir:*

I received yours of the 24th of April, desiring me to come to Chicago and consecrate the new Church, for the building of which I gave \$100 when last in that city.

Is this Church finished? Is it out of debt? Is the lot of land on which it is built *deeded* to a body corporate in law, or to an individual in trust for the Protestant Episcopal Church for ever? Is there no mortgage or other lien on this property?

Please answer me the foregoing questions at your earliest convenience.

My health is quite infirm, by reason of the injuries received in several falls, both in the steamboat, and since my arrival at home. In the night I have but little rest. Such is the difficulty in any *recumbent position*, I seek repose in a chair. *When* I shall commence my visitations of the Diocese, I am unable to say.

I trust to be well enough to attend the Convention of the Diocese on the 16th of June at Springfield. From there, I shall try to visit Alton, Albion, Chester, and Quincy.

Perhaps I may go to the northern parts of my Diocese in the fall.

Your faithful servant in Jesus Christ,

PHILANDER CHASE.

G, page 19.

A copy of the letter referred to is not to be found among the papers of Trinity Church, which have come into the hands of the present Vestry. Application was made to the Bishop for a copy, but he "could not lay his hands upon the letter at the time;" therefore the favor asked was not granted.

The facts communicated in that letter, and for which chiefly it would be of value here, were substantially the following:

Trinity Church edifice, the corner-stone of which was laid June 5th, 1844, was completed in September following. Its cost was a trifle below \$3000. Two-thirds of this amount were contributed by friends of the enterprise, in small sums varying from \$100 down to \$1. The balance was obtained thus: \$345 on individual notes for one year, at 12 per cent. interest; \$630 on scrip—in sums, for the most part, of \$50—in form as follows:—

\$—————

Due from Trinity Church, Chicago, ————— dollars, which it promises to pay to —————, or order, out of the first surplus funds of said Church, with interest at the rate of twelve per cent. per annum, which interest is at any time applicable to the payment of pew rent in said Church.

(Signed,)

—————, Clerk  
and Treasurer of the Board.

CHICAGO, —————, 1846.

No part of this indebtedness is a lien on the Church lot or edifice. The amount of \$345, with interest, is all for which the congregation may be called upon till it has surplus funds; save that the holders of the \$630 in

scrip may have their interest applied in payment of their pew rent at any time; if not thus applied, that interest is payable at the same time with the principal.

The lot on which the Church edifice stands was obtained through the instrumentality of the Rector from the Canal Board; its title is in the corporation.

The income of the Church has been more than adequate to meet its current and contingent expenses thus far; and the congregation is united, increasing, and prosperous.

Such was, in substance, the letter of the Cor. Secretary of the Vestry, to the Bishop, in May, 1845. The debt of the Church, which precluded its consecration, is thus shown; together with the fact of the Bishop having been officially informed by the Vestry of the state of the parish but two months before his visit in Chicago, which took place in July following.

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H, page 19.

One month subsequent to the letter of the Cor. Secretary, the respondent reported to the Bishop, in Convention, as follows:

I accepted the rectorship of St. James and Trinity Churches, in the city of Chicago, about the first of August, 1843. My connection with the two parishes continued till the following Easter, (April 7, 1844,) when that with St. James' was terminated by my resignation, the Bishop consenting. During the period of my charge of the two parishes, I officiated twice each Lord's day in St. James' Church, administered the Holy Communion on the first Sunday in each month, and on Christmas day, and opened the Church for morning prayer and an occasional lecture on the other stated Festivals and Holy days.

From Advent to Easter, on Sunday evenings, in addition to the two regular services in St. James' Church, I officiated more particularly for Trinity parish in a public "Saloon" immediately within it. In the same period, I officiated four times and administered the Holy Communion once, in the country, 15 miles west from Chicago, in a neighborhood embracing some few members of our communion who desired my services.

The children sent to me were instructed catechetically every Sunday.

My charge consisted of about 110 families. I baptized 52 (infants 44, adults 8); presented for confirmation 22; added to the communion 45; making the whole number of communicants 131; buried 10; and united 10 in holy matrimony.

With the approbation of the Bishop, the system of weekly Sunday offerings, in connection with the "Offertory," was commenced by me at my entrance upon my joint charge, and was happily continued till its close. The amount thus received exceeded by a trifle 170 dollars, exclusive of the alms received at the Holy Communion. These offerings were appropriated in part to the N. Y. B. & C. P. B. Society; to the N. Y. P. E. T. Society; to the Domestic and Foreign Missions of the Church; to the Bishop to defray the expenses of his visit to Chicago to institute me, &c.; and, in part, to aid in defraying some contingent Church expenses; and to purposes of parochial charity. In addition to the Sunday offerings, funds were raised to pay for alterations and improvements in the Church edifice, for the Bishop, and for the Rector's salary.

Since Easter, 1844, my connection has been with Trinity Church exclusively. Our services, which were two on each Lord's day, were held

in a public "Saloon" until September. In that month, we commenced the occupancy of a new, tasteful and commodious Church edifice, the corner stone of which was laid in June preceding by the Bishop, and which, with a most praiseworthy zeal, the congregation had brought to such happy completion. This Church has since been open for the stated morning and evening services each Sunday, and for instruction by me, catechetically, of such children and youth as have been sent to me for the purpose; for morning prayers on other Festivals and Holy days; and, from Advent to Easter, for a service, additional to the two stated Lord's day services, on Sunday evenings.

I have administered the holy communion, during this period, on the first Sunday in each month, and on the Festivals of Christmas, Easter, and the Ascension; and have officiated eleven times and administered the holy communion once, in the country, 20 miles north of Chicago, where is an interesting body of people really attached to the Church, and whose claims are urgent for a missionary to gather them together permanently in one, and to break to them "the bread of life."

My charge at present embraces about 93 families. The whole number of communicants within it is 89; 5 have withdrawn, and 4 removed; 28 have been added as new. I have baptized 38 (infants 35, adults 3); buried 14; and married 12. None have been confirmed, for the want of opportunity: several are "ready and desirous to be confirmed."

The system of weekly Sunday offerings, in connection with the "Offering," has been observed in the parish, and with gratifying results. The amount received has been about \$250. This has been appropriated to the Domestic and Foreign Missions of the Church; to purposes of parochial and general charity; and to aid in defraying contingent Church expenses. In addition to the offerings, the gentlemen of the parish have twice made generous contributions to the Rector, over and above the salary; and erected the beautiful temple in which we now assemble, and which awaits only the convenience and pleasure of the Bishop to be formally consecrated to Him for whose worship and service it is intended; while the ladies, most zealous in the cause, have procured carpets, lamps, and trimmings for the Church, and furnished the Rector with a beautiful robe.

The parish appears to be united and prosperous. May the blessing of God Almighty still be upon it!

Immediately after the reading of this report, the Bishop stated, in open Convention, that Trinity Church, Chicago, was in debt, and could not be consecrated till that debt was paid off. The respondent attempted to explain the amount and character of the debt, to show that it was not a real obstacle to consecration, it being, for the most part, merely nominal; but the Bishop declared that he should adhere to his determination.

On his return to Chicago, this was stated, by the respondent, to members of the Vestry of Trinity Church, and others. They felt aggrieved by it, and decided not again to seek the consecration of their Church, nor further to exert themselves to allow of its being consecrated on the Bishop's terms.

Thus this matter stood, when the letter that follows, of July 12th, was received:

JUBILEE COLLEGE, July 12th, 1845.

To the Rev. W. F. WALKER.

Dear Sir:

I have appointed to consecrate the Church in Juliet on Sunday the 27th, if the Vestry and friends will pay off the debt which it at present owes.

This being so small a sum, (only \$100,) I trust they will liquidate in good faith, and thus enable me to consecrate.

If your people will do the same with St. Paul's, [Trinity is meant,] I will do the same duty in Chicago on Tuesday, 29th of July.

Trusting it will be so done,

I am,

Your faithful servant in Christ,

P. CHASE.

I, page 20.

Canon XIV. of 1838, in full, which was repealed June 1845, (see page 6, sec. 13,) was as follows :

CANON XIV.

*The Trial of Clergymen.*

SECT. 1. In all cases of presentment contemplated by the Constitution and Canons of the General Convention, a copy of the charge or charges and specifications, together with a citation to appear and answer, shall be served upon the party accused, in the manner hereinafter provided, with all convenient speed.

SECT. 2. The regular place of trial, and the office for the records of all ecclesiastical proceedings, shall be the house of the Bishop. But if there be no Bishop, the Standing Committee shall appoint the place for these purposes; and the Bishop, by and with the concurrence of his council of advice, may appoint any place within the Diocese for the trial, if there be any special reasons moving him thereto.

SECT. 3. All testimony adduced upon the trial shall be in writing, taken on due notice to the parties either by a commissary appointed for that purpose by the ecclesiastical authority, or in the manner of commissions or depositions in civil cases. But this provision shall not prevent the appearance of the witnesses and the hearing of their testimony on the trial, whenever it shall be preferred by either party.

SECT. 4. Advocates or proctors shall be allowed, on both sides, at the pleasure of the parties, provided they are clergymen canonically resident in the Diocese, or laymen who have been communicants of some parish of the same at least two years before the trial.

SECT. 5. The Bishop shall preside upon the trial as Judge, and not less than three or more than six Presbyters, shall be assessors with him, the names of which Presbyters shall be selected by the accused out of a list of twelve, who shall be unconnected with said party by relationship or marriage, and can declare that they have not expressed an opinion as to his guilt or innocence. But if there be not so many Presbyters in the Diocese, then the Standing Committee shall fill up said list with the names of all the Presbyters, and if the accused shall neglect or refuse to make his selection, the Standing Committee shall select for him. On the verdict of the majority of these assessors, the Bishop may rest his judgment in the case, or may, if he think proper, order a new trial, and the sentence which he pronounces shall be delivered and recorded before the rising of the court: Provided, always, nevertheless, that if the Bishop be related to the accused, or if he be a party concerned, he may, with the advice and consent of the Standing Committee, request some neighboring Bishop to preside upon the trial, and if the Diocese be vacant, the Standing Committee shall request the services of such Bishop as they may find most convenient.

SECT. 6. All citations and notices in any ecclesiastical proceedings, whether to parties or witnesses, may be served either personally or by leaving a copy thereof at their residences respectively, the time between the day of service and the day of appearance being not less than twenty days over and above the ordinary time required to travel to the place of

appearance, and in case there is reason to believe that a minister, &c. &c., (as in sec. 10, page 6.)

Sect. 2 of Canon XV. of 1838, repealed with the above, (see page 6, sect. 13,) it may be well to insert here : it was as follows :

In all cases of presentment whether of Bishops or other Ministers, where the party accused shall neglect or refuse to appear, sentence of suspension shall be declared for contumacy ; which sentence shall continue in force until the party consents to a regular trial.

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“The Presentment of 1844,” for which reference was made to this place, has gone from the respondent’s possession and control. One in the opposing interest, a presenter, yea, a Rev. brother ! took it from a place in which it had been allowed to remain for some time, and, knowing, as he has admitted he did, whose it was, sent it to Robin’s Nest ! From thence it has not been returned, though itself, or a copy of it, was applied for in time for insertion here.

Deprived thus unfortunately, as it seemed, of a most important paper, it was hardly known how its place could be supplied, when, by a merciful interposition, more than had been taken away was furnished ; even the statements on which the respective specifications were based, together with those specifications ; not only the presentment, but all that out of which it was made up ; not only the “crimes” of the respondent, as the Bishop is pleased to characterize these *ex parte* accusations, embodied, but the several and separate parts whence that embodiment resulted.

The paper is the record of the presenters made at the time of their session. The charges, it will be observed, are “Immorality and a violation of Ordination vows.”

Readers will see that the specifications are of two classes ; one having regard to and depending chiefly on A. C. Becker, the key to whose opposition, with that of his family, is presented in Appendix, M ; the other having regard to and depending chiefly on a lady, whose position in the case sufficiently indicates that an independence on the part of the respondent of an accustomed dictation in the parish is their basis.

And it must be obvious to all, that the whole is as a family jar, in which each in his fret, with what measure of impropriety shall not be here stated, tells of the other whatever may have been disclosed in the confidence of friendship, or familiarly said or done under the fancied protection of its sanctities.

The “prefixed” “instructions from the Right Rev. the Bishop,” who was in Chicago through the whole time these grave matters were acquiring the solemn and imposing form in which they were presented, aiding by his counsel, from time to time, have not been received. It is only known, that “to the persons therein named,” consisting of seven laymen, with the Rev. Rector of St. James’ Church in the accustomed position of chairman, “the Bishop stated that things had come to his knowledge touching the character of Mr. W. which demanded his stay in town until the matter should be set at rest, and he be acquitted or condemned.”

Four laymen, among those "persons," were accounted friends of the respondent. The reasons for their concurrence in the presentment were stated by them soon after, in a letter to the Bishop, which will appear, in its place, in this connection.

Matthew xviii. 15-17, was overlooked and neglected in this case, as in that which has already been submitted. The paternal and fraternal duties therein pointed out, were unperformed. The respondent was unwarned of what was going on with respect to him during the entire session of the presenters. And this notwithstanding his nearness to the house at which his Right Rev. Father in God stopped, and the fact that he saw him within that time. That it all took place subsequent to the events stated in the note on page 31, may suffice to be said till the key shall be finally given.

The paper containing the charges and specifications in the presentment of 1844, now considered, with the statements out of which they were made, which has been mentioned as having come into the hands of the respondent, is as follows,—with the exception that under the head of "Remarks," is matter in answer or explanation now added by the respondent :

In pursuance of instructions from the Right Rev. the Bishop of Illinois hereto prefixed, the persons therein named assembled in the Vestry-room of St. James' Church, on Thursday the 6th day of June, and proceeded to investigate the charges submitted to their consideration by J. H. Kinzie and A. C. Becker, Esqrs.,\* under the following heads or specifications, to wit:

*First, Immorality*—In that reference to an altercation between Mr. Walker and Mr. Becker on Clarke street, Mr. Walker told Messrs. Kinzie, Strail, and Hamilton that Becker called him "a damned liar." (B.'s charge.)

*Mr. Becker called*—States that he did not call Mr. Walker "a damned liar," and used no profane language on that occasion.

A. C. BECKER.

*Jno. H. Kinzie called*—States that Mr. Walker told witness that during the altercation alluded to, Mr. Becker called him, Walker, "a damned liar."

J. H. KINZIE.

An affidavit signed by J. J. Stewart was submitted, marked A.†

*Mr. Strail called*—States that immediately after the altercation, Mr. Walker called at his store and said Becker had called him "a damned liar," "cursed liar," or words of like import.

REMARKS.—The matter alleged in the specification is re-affirmed, with the addition that Becker at the same time said, "If it were not for your profession, I would give you a d—d thrashing."

It is in the testimony of a witness to whom Becker himself spoke of the interview immediately after, that he used profane language in giving his account of it.

The "altercation" was as follows:

The respondent was passing down one of the streets of Chicago, on the side-walk, when he was suddenly interrupted by A. C. Becker, who, stepping in before him, said, "Sir, have you received a communication from me on the subject of an anonymous letter you have received?" The reply was, "I have, sir." Becker then said, "Have you retracted your charges that I am the author of it?" To which it was replied, "I have neither affirmed nor denied any thing on the subject, further than my own belief and that of others, formed upon a careful comparison and examination of the hand writing of the letter." Then followed from Becker the language which the specification affirms the respondent ascribed to him, with the addition heretofore given.

The respondent made no reply, but continued on his walk till he met Messrs. Strail and Hamilton, to whom he related the assault that had been made upon him

\* An initial letter following each charge will indicate who preferred it.

† This affidavit the respondent has not.



*Second, Immorality*--In that Mr Walker told Mr. Kinzie that Mrs. Becker had severely censured Mrs. Kinzie's conduct at the parsonage, and expressed herself to have been tempted to inflict personal chastisement on Mrs. Kinzie. (B.'s charge.)

*Jno. H. Kinzie* called--States that Mr. Walker told witness Mrs. Becker said she was so indignant at the conduct of the ladies, that she wanted to choke them or shake them. JNO. H. KINZIE.

*Mrs. Becker* called--States she did not tell Mr. Walker any thing of the kind. S. C. BECKER.

*Miss Charlotte Whiting* called--States she was present at the conversation between Mrs. Becker and Mr. Walker, and heard no such remarks from Mrs. Becker. C. L. WHITING.

REMARKS.--The allegation studiously leaves out Mr. Becker as authority given by the respondent for what he is represented as having affirmed of Mrs. Becker. Let this be supplied, and the specification will present the truth almost literally.

Becker stated the same to one of the presenters, and to several others. Sherwood testified, in his deposition for this case, as follows:--"I heard Mr. Becker say that his wife was at the meeting at the parsonage, and entirely disapproved of the conduct of Mrs. Kinzie. I told it to Mr. W., I believe, and to a good many others."

In the deposition of another witness is the following:--"Mr. Becker said that Mrs. Becker felt very indignant, and was tempted to take Mrs. M. and Mrs. Kinzie by the neck and put them out of the door."

The same was said by Becker to two others, besides the respondent.

The affidavit of Mrs. W. on the subject is subjoined. It is as follows:

"Mrs. Alida R. Walker maketh oath, that in the afternoon of the sixth of November, 1843, after the meeting of ladies 'at the parsonage,' Mr. Becker called at the house while the family were at tea; that he came immediately to the table, on invitation, and at once said to Mr. W., 'Well, how did it go? How did it go at the meeting?' To which Mr. W. replied, 'Ask Mrs. Becker: I will abide her judgment;' that to this Mr. Becker rejoined, 'I have asked her about it.' Upon which Mr. W. asked, 'What did she say?' that to this Mr. Becker replied, 'Mrs. B. felt indignant, very indignant, and was tempted to take Mrs. M. and Mrs. K. by the neck;' (or shoulders, which is not recollected,) 'and put them out of the door;' that he then turned to this deponent, and said, 'Why! Mrs. W., how could you stand it? Mrs. B. could not have done so.'

"ALIDA R. WALKER."

"Sworn to and subscribed before me this 22d day of December. A. D. 1846.

"GEO. DAVIS, Clk. Co. Com. Court."

Becker, at this time, was professedly with the respondent, and opposed to Mrs. K. in an issue which she had just made with him. Becker, before the presenters, stated that issue, in its effect on the respondent, to be, that "Mrs. K. should rule the parish no longer as she had done for nine years. Either he or she would be rector."

*Third, Immorality*--In that at Mr. Becker's house in November last, Mr. Walker drank one-third of a bottle of claret and one half bottle of Madeira wine. (B.'s charge.)

*Mrs. Becker* called--States she was present, and the specification is perfectly true. S. C. BECKER.

*Miss Charlotte Whiting* called--States that she remembers Mr. Walker's dining at Mr. Becker's in Nov. last, and thinks he drank half a bottle of Madeira and some claret. C. L. WHITING.

*Fourth, Immorality*--In that at supper at Mr. Becker's house in December last, Mr. Walker drank very nearly a quart of Madeira. Mr. Tuckerman remarking at the time to his sister, "I think the parson has taken too much." (B.'s charge.)

*Mrs. Becker* called--States that Mr. Walker, with Mr. Tuckerman and Mr. Warner, and her husband, drank two bottles and a half of Madeira wine. Mr. Warner drank very little, not being well. Her brother remarked to her he thought the parson had drank too much. She replied, "I trust not." Mr. Tuckerman said, "You will find it so." Mr. Walker drank more than gentlemen usually do at her table, and more than her husband was in the habit of doing. Thinks he drank nearly a decanter full.

S. C. BECKER.

*Mr. Tuckerman* called--States he remembers the time spoken of. Thinks Mr. Walker drank a larger proportion than either of the others

at the table. Thinks he drank two-thirds of a bottle of wine, either sherry or Madeira; does not remember which. They sat, perhaps, one and a half hours at the table. He remarked to his sister that Mr. Walker had taken too much. Thought Mr. Walker's example a very bad one, especially to his brother-in-law, Mr. Becker.

L. TUCKERMAN.

*Miss Charlotte Whiting*—Thinks Mr. Walker drank as much as any of the other gentlemen at the table. She counted five glasses that he drank of Madeira or sherry. Cannot say whether he drank one or more glasses in addition to the five.

C. L. WHITING.

*A. C. Becker* states that at the supper at his house in December last, Mr. Walker drank very nearly a quart of Madeira; it may have been two or three glasses less than a quart. That witness and Mr. Walker drank after the others left off drinking. Mr. Walker did not refuse to drink when asked. Thinks he, witness, should have stopped sooner if Mr. Walker had declined. It was his custom to fill for his guests before his own glass, as he did in this instance.

A. C. BECKER.

REMARKS.—Specifications 3d and 4th are denied, in so far as they charge excess upon the respondent; and against the assertions of Becker and his family, Mrs. B., Miss W., and his brother-in-law, Mr. T., the respondent would submit all that is known of him through his whole life on the subject of wine-drinking.

Appendix, M, will probably satisfy as to the motives which prompted these charges.

It deserves to be noted, however, that the specifications and witnesses are confined to a single house. If the respondent were in any degree justly obnoxious to a charge of drinking, would it not have been elsewhere discovered and known, and would not other occasions and witnesses have been adduced? In preferring these charges, have not the presenters, in effect, declared the respondent innocent of other similar offences? If this be so; then, in view of the position of Becker and his family with respect to the respondent, he feels that he may justly claim that his entire innocence be concluded.

*Fifth, Immorality.*—Mr. Walker told Mr. Becker repeatedly of his being a decided Puseyite, and that he intended to engraft the principles, doctrines, and practices of the Oxford Tractarians in the parishes here. This he subsequently denied. (B.'s charge.)

*Mr. Becker* called—States that in sundry conversations with Mr. Walker he avowed himself to be a decided Puseyite, and that it was his intention to introduce gradually the doctrines and practices of the Oxford Tractarians in the parishes here.

A. C. BECKER.

*Mrs. Kinzie* called—States that Mr. Walker told witness that he had said to the Rev. Mr. Patterson he, Walker, was a red-hot Puseyite, and he now knew what he had to depend on.\* Mr. Walker never denied to her that he had made such assertion.

Mr. Walker told witness that he, W., was one of a band of young clergymen in New York who had promised to sustain Mr. Newman, and that he had written to him to that effect. That Mr. Walker's name had been particularly mentioned to Mr. Newman, and that he, Mr. N., had promised to write to Mr. Walker.

JULIETTE A. KINZIE.

*Mr. Hubble Johnson* called—States that last winter at Capt. Russell's office, he, Mr. Walker, denied ever having acknowledged himself to be a Puseyite. Capt. Russell asked him if he was a Puseyite. He said he was not.

REMARKS.—The denial charged in the specification is repeated and maintained.

Let it be called to mind, that at this date the Carey ordination, &c., and Dr. Pusey's sermon on the Eucharist, were fresh topics of interest and excitement. In his intercourse with various classes, these and kindred subjects were frequently brought to the notice of the respondent, and his own views sought to be educed. At such times, when asked, "Are you a Puseyite?"—he has often replied thus,—and this has been his fullest admission on the subject,—"If to receive the teachings of the Book of Common Prayer is Puseyism, then I am a Puseyite." To the Rev. Mr. Patterson, Pastor of the

\* In the deposition of the same witness, and such, doubtless, is the meaning here, it is,—"that he and Mr. P. now knew the ground which they stood upon in relation to each other, or words to that effect."

Second Presbyterian Society in Chicago, he once said what the witness alleges, but in this connection:—Mr. P. said of certain views which the respondent had dropped, "Why, that is Puseyism—red-hot Puseyism!" to which the reply was, "Very well; then I am a red-hot Puseyite." This was repeated to Mrs. K.; and hence the partial statement above given in support of the specification.

In affirming that Mr. P. now knew upon what ground he and the respondent relatively stood, the respondent had respect not only to what is here related, but to a letter which had just before been addressed to the Rev. Mr. Bascom, with others, among whom very prominently was the Rev. Mr. P., which is as follows:—

"Rev. Mr. Bascom, and others.

"Gentlemen:

"Were there no other cause for my not meeting with you this evening, in my health would be found ample reason to prevent it. A threatened fever has kept me to my bed throughout the day. But, if this were not so, allow me plainly to say, that there are such moral impediments in the way as would effectually preclude my being with you. These are to be found in those ecclesiastical differences between us, which lead us to pursue courses well nigh antagonistic to each other for the accomplishment of those moral and religious ends which we, I doubt not, with equal honesty and earnestness, are endeavoring to promote. The view which Episcopalians entertain of the organization of the Church, and of Christian doctrine, discipline, and worship, so differs from that of those who are not with them, and this difference so binds their consciences, as to make it impossible for them to unite with others in the manner and for the objects now proposed. Such a union would involve the recognition of orders not admitted by us, the sanction of doctrines not approved, and the promotion of a worship which opposes our view of expediency and duty. The object you have in view commends itself at once to our understanding and our affections. The means by which that object should be promoted, we conscientiously believe, are to be found in that 'Church' which is 'founded upon the Apostles and Prophets, Jesus Christ himself being the chief corner-stone;' to this, therefore, that we may not depart from the 'Apostles' doctrine and fellowship,' must we limit our efforts for its promotion. What I can do, through the Church, for the improvement of the condition of Seamen, will be cheerfully done; and, as evidence of my good will in this regard, I now offer to officiate for them in my church gratuitously, twice in the week, on the evening of each Sunday and that of any other day in the week that may suit their convenience.

While we have to differ thus much religiously, gentlemen, it will give me pleasure to be one with you socially, and to be free in the interchange of the courtesies of private life. You will, I am sure, appreciate the frankness of this statement, with the addition that the views herein expressed govern me in regard to all religious movements which are carried on by a professed union of all denominations of Christians.

"I am, gentlemen,

"Most respectfully and truly,

"Your obedient servant,

"W. F. WALKER.

"CHICAGO, Oct. 20, 1843."

Upon the copy of this letter retained, there was made at the time the following,

NOTE.—The occasion of the above letter was this: the Rev. Mr. Bascom called on me yesterday, the 19th inst., and invited me, on behalf of himself and "the different ministers in the city," to meet them at his house this evening to co-operate with them in arrangements for a public meeting of "persons of all denominations" to awaken an interest in behalf of Seamen, and to raise means for the erection of a "Bethel," and the support of the Rev. Mr. Roulette (Presbyterian) as preacher in it. Thinking my reasons for not assenting might not be appreciated, and so be misrepresented, I waived the presentment of them to Mr. Bascom, informing him that he should hear from me in the course of the following day, in fulfilment of which this letter was sent.

That the respondent received the views of Mr. Newman so far as they approved themselves as Catholic, and declared his determination to abide by them, and so support Mr. N., is true. His confidence in Mr. N. was such, that he was ready to repel with the confidence with which the same was once done by the sound and accomplished Bishop of New Jersey, the imputation that he was looking with desire towards Rome.

All that there ever was of the "band of young clergymen," and of the respondent in connection with Mr. Newman, is in the following from a letter received from the Rev. James C. Richmond, bearing date

"OXFORD, January 1, 1842,

"Mr. Newman's Study, 5 P. M., in Oriel College. }

"My Dear Walker:

"A happy New Year to you, and the Troy boys all." (By Troy boys was understood a number of young clergymen, friends of the writer, then in and around Troy, who held common or similar theological views.)

\* \* \* \* \*

"This morning, accidentally, I went into St. Mary's Church, and there I heard a man reading, and, as soon as I looked at him, I knew him to be Mr. Newman; and here I am, in his very *sanctum sanctorum*, just in the very heart of the way called 'heresy,' which is shaking the Church for good or for evil.

\* \* \* \* \*

"After the service, . . . . . at the door of the large Vestry-room, I met him. 'Mr. Newman?' He bowed. 'I bring you the congratulations of the New Year of some thirty young men and others in America.' . . . . . He shook hands with me in the most cordial manner. I told him of the interest awakened in the U. S., and of the use the conclusion of his Lecture—(delivered to 16 women and 8 men; at daily prayers he has less,—encouragement and comfort for us brethren,)—might be in undeceiving those who misunderstood him, &c. He was much gratified, and begged I would dine with him. I bade him good morning, and went to deliver other letters, &c.

"At 6, you will see, (by date) I was in his study, and he begged me to remain while he prepared for dinner. . . . He left me ten minutes. When he returned, I wrote down at his request, Rev. W. F. W.; Revs. B., and C., and E., &c., as being 'some of the stirring men of "peculiar, or Catholic, old or new views," which ever epithet you please, Mr. N.' said I.

"I told him that you were all as much again on the *qui vive* to get every thing from Oxford as the people of England are. He said it would be a great encouragement to the young men, cowed here by authority, to hear of sympathy in a distant part of the Church.

\* \* \* \* \*

"You will probably, some day, have letters direct from Newman, or some of the party, (pshaw! you say,) in consequence of my visit.

\* \* \* \* \*

"Take notice, the first part of this letter is written with Mr. Newman's pen. When I asked him for it, he laughed, and said, 'You had better take a new one; I'm afraid it's a very bad pen.'"

\* \* \* \* \*

"When I wrote the two other letters, I meant them, as *this*, for the whole of my friends in Troy, and the *Troy boys*.

(Signed)

RICHMOND." (Signed)

The account of Mr. Newman which the body of the letter from which the above extracts are made contains, is so remarkable as to have given it great interest at the time; and causes it, when Mr. N. was so much before the Church, to be often spoken of by the respondent among his friends

The following, from the deposition of Mrs. K., may possibly serve to connect the above with what she asserts was said to her, as near as memory may be supposed to be faithful:

COUNSEL.—"You have alluded to a band of young clergymen, whom you state Mr. W. said had written promising to sustain Mr. N. in his doctrines; that Mr. W. had reason to know that his name had been particularly mentioned to Mr. N., and that Mr. W. was then expecting a letter from him; let me here ask you, whether, about that time, Mr. W. ever mentioned to you the name of the Rev. James C. Richmond, and whether Mr. W. did not read to you a letter or letters he had received from Mr. R., or tell you the contents of such letter or letters?"

Mrs. K.—"It is possible that Mr. W. may have quoted to me, though I did not see the letter; I have no recollection of seeing it."

The respondent regrets to occupy himself thus with what may seem to many simply tattle; but as a mountain of "crimes" has been attempted to be built up out of such mole-hills, there is no resource left for him but to notice the parts, to effect the destruction of the whole.

*Sixth.*—Mr. Walker has charged A. C. Becker with being the writer of an anonymous letter, and upon his solemn denying in writing, refused to retract. (B.'s charge.)

*Mr. Jacob Russell* called—States that Mr. Walker showed him an anonymous letter which he said resembled Mr. Becker's handwriting, and that he thought it was from him. Becker denied it to witness, and wrote to that effect a respectful note to Mr. Walker.

*Capt. Russell* called—States that Mr. Walker brought to his office an anonymous letter, which he said he believed was from Mr. Becker. Witness was of opinion it was Mr. Becker's handwriting until Mr. Becker assured him to the contrary. Mr. Walker charged the writing of the letter upon Becker, and expressed himself confident of it. Said there was no doubt of it. Becker wrote a note to Mr. Walker denying the imputation. The letter is on file marked G.\*

\* \* \* \* \*

*Mr. Becker* submitted the accompanying affidavit marked D,† denying the authorship of said anonymous letter, and states that Mr. Walker *persisted* in charging him with the authorship *after* he, Walker, had received both a written and verbal denial thereof. A. C. BECKER.

REMARKS.—The respondent did not retract his opinion as to who was the "writer of the anonymous letter;" before the "altercation on Clarke street," (specification 1st;) subsequent to that "altercation" he could not.

The "anonymous letter" itself had no special importance; it was simply a cowardly attack for a supposed endeavor on the part of the respondent to have a young man who was a candidate for Orders, then in Chicago, appointed by the Bishop, lay-reader for

\* This letter, by some means unknown, got out of the possession of the respondent into the hands of these presenters; it has not come back with this paper.

† This affidavit is not in the respondent's possession.

St. James' Church after Easter, 1844, and so put it to a disadvantage as compared with Trinity. One who has since become a presenter, asserted that the respondent had sought this, and took much interest in prejudicing him on account of it. While the fact is, the young man was appointed lay-reader by the Bishop only two days after the date of the respondent's institution as Rector of St. James' Church, Oct. 8, 1843. The instrument of appointment is as follows:—

“Chicago, Oct. 3d, 1843.

“During the pleasure of the Bishop, Mr. Franklin R. Hall is hereby appointed a Lay-Reader in Chicago, on Salt Creek, and on Annaplains River, Ill., to be under the direction and oversight of the Rev. Mr. Walker, Rector of St. James' Church, Chicago.

“PHIL'R CHASE, Bishop of Illinois.”

Who should repent himself for the injurious suspicion which prompted the “anonymous letter,” and the evil that has hence resulted, is not known.

*Seventh*—In that he has used the name of the Creator in a common and irreverent manner, thereby violating the 3d commandment. (B.'s charge.)

*Mr. A. C. Becker* called—States that he has frequently heard Mr. Walker use his Maker's name on trivial occasions. In common conversation, he frequently appealed to the Deity as witness of the truth of what he was saying. The expressions were, “God is my witness,” “Good God, is it possible!” Has not heard him swear, but his appeals to the Deity were more frequent than he has heard from any layman in this country.

A. C. BECKER.

*Mr. Kinzie* does not think he is in the habit of using the Lord's name in vain on trivial occasions. Has heard him use such expressions as “God is my Judge,” &c.

JNO. H. KINZIE.

*W. L. Whiting* states he has heard Mr. Walker appeal to his Maker in the manner described by Messrs. Becker and Kinzie, not irreverently, but unneccessarily.

W. L. WHITING.

REMARKS.—This specification is deemed to be sufficiently explained by the statements on which it is based. The opportunity is taken, however, to deny that the expression attributed by Becker was ever made by the respondent.

It is believed to be known to all his acquaintances, that he is characterized by an appropriate reverence for sacred names and things. The statement made by Mrs. Kinzie, but, because of its not being in the right vein probably, not given above, was, that she was “not aware that he is in the habit of using the Lord's name on trivial occasions.”

*Eighth—Violation of Ordination Vows*—In that the Rev. W. F. Walker has not maintained and set forth as much as in him lay, quietness, peace, and love, especially amongst those committed to his charge, to wit:

That he remarked to Mrs. Kinzie on Saturday before Christmas, that “Mrs. Whiting, with her shallow mind and great pretensions, had, throughout the whole of the affair, endeavored to make herself of a vast deal more consequence than she would ever succeed in doing;” and then related some anecdote to prove how Mrs. Whiting had endeavored to set herself up for a theological reader. (B.'s charge.)

*Mrs. Kinzie* called—States that the above specification is substantially correct. Thinks Mr. Walker has not conducted towards his communicants as a pastor should do. That there are but few of them of whom she has not heard him speak disparagingly. His conversations with witness have not been calculated to promote peace and good will, kind feelings, or a high estimation of her fellow Christians.

JULIETTE A. KINZIE.

*Capt. Russell* called—Was asked the question whether Mr. Walker, “when reviled he has reviled again?” He answered, “Yes, in saying many things against members of his Church calculated to produce harsh feelings.”

*Jno. H. Kinzie* states he knows of instances where Mr. Walker has violated his ordination vows, to wit: in endeavoring to create unpleasant difficulties between Mrs. Kinzie and Mrs. Whiting.

JNO. H. KINZIE.

*W. B. Ogden* called—When asked if Mr. Walker had violated his ordination vows, replied—That he thinks he has in a wanton and intentional

manner by creating differences and dissensions amongst his parishioners. That he has understood Mr. Walker to attempt creating difficulties between Mrs. Kinzie and Mrs. Whiting, who are his authority. From what he has seen and known of Mr. Walker, he thinks the latter an improper person to be retained in the ministry, because he has used improper means to sustain himself by exciting the prejudices of one portion of the community against another when he found himself in difficulty.\*

*W. L. Whiting* states he is of opinion that Mr. Walker has violated his ordination vows, and knows that his course of conduct with reference to his, Whiting's, family, has produced much disquiet.

W. L. WHITING.

REMARKS.—The testimony under this specification was that of Mrs. K. alone, and stands in her deposition as follows:—

"I think he has disturbed the quietness, peace and love amongst his parishioners by speaking unkindly of them,—in stating to Mr. B. that he was pained at the indignity with which Mrs. K. treated Mrs. W. in company. . . . And spoke in a most disrespectful manner of Mrs. W., saying, among other things, that with her shallow mind and great pretensions, Mrs. W. had endeavored to make herself of a vast deal more consequence than she would ever succeed in doing.

"Mr. W. related an instance of a call he made upon Mrs. W. with a Tract he wished to show to one of her daughters; it was by one of the Oxford Tract writers, or of that school, which, he was afraid, might not be exactly interpreted right by them; he said 'You must bear in mind that these Tracts were not designed for common readers.' Mrs. W. replied, 'I am not a common reader.' Mr. W. then said, 'But, Madam, they are designed for theological readers.' Mrs. W. replied, 'I am a theological reader.' 'But, Madam,' said Mr. W., 'they are designed for the clergy;' and Mr. W. made an exclamation, expressing his wonder that Mrs. W. would set herself up in that way for a theological reader.

"We, Mrs. W. and myself, were both communicants at this time."

In the same connection, and with reference to the same matter, the following questions were asked, and answers returned:

"Q. Do you know, or can you state any other instance in which Mr. W. spoke disparagingly of other communicants or parishioners of St. James' Church, while he was Rector thereof? If so, when and whom?"

"A. I do not know whether Mr. W. designed to be disrespectful. I have heard him use such expressions as these,—'Do tell me if that is the best stuff you can find to make Vestrymen of;' that there was but three Churchmen in his Church; and speak harshly of the opinions which differed from his own, expressed by his parishioners. Mr. W. expressed himself very much dissatisfied, when he had proposed preaching a course of sermons upon the doctrines of the Church to Mr. S.; Mr. S. rather objected, and thought it would not answer to enter at once upon those subjects. Mr. W. repeated Mr. S.'s words, shrugging his shoulders, saying, 'People were so timid and so afraid.' Mr. W. imitated Mr. S. in his way of speaking.

"Q. Do you know or can you state other instances where Mr. W. spoke contemptuously or uncharitably of other communicants of his Church?"

"A. Mr. W. on one occasion, . . . asked me what I thought of baptism according to law? I told him I did not understand him. He then repeated a conversation he had had with Mrs. Whiting the day before, at Mrs. S.'s, in which Mrs. W. had made the remark, that 'she believed in any baptism that was according to law.' Mr. W. laughed so loud and talked so vehemently about the absurdity of the answer, that it seemed to attract the attention of the passers by."

\* \* \* \* \*

"I told Mr. W. that Miss Emma Whiting was a Unitarian. I had it from her own lips; openly and avowedly so. Miss E. W. made no more of a secret of it than I did of being an Episcopalian. I never said that Mrs. W. favored Unitarianism, for she was grieved that her daughter was one; that Mrs. W. told me that she was a decided Presbyterian, and had been educated so; and that Bishop Stuart, of Canada, had admitted her to the communion, though she had informed him of it herself."

It may be well to note the remarks under the 10th specification in connection with what is here given.

*Ninth.*—Mr. Walker has abused the confidence extended to him in his clerical capacity, by repeating conversations and ridiculing them in public. (K.'s charge.)

*A. C. Becker* called—States that on the occasion of the death of Becker's child, Mr. Walker abused their confidence and hurt their feelings by ridiculing, in conversation with others, Mr. and Mrs. Becker's wishes in regard to the burial service.

A. C. BECKER.

\* The person who thus judged of the respondent was at the time a member of the family of Whiting; has, perhaps, read the Ordinal, but is in no wise connected with the Church,—not even by baptism. He has certain property interests in the vicinity of St. James' Church, by which he is regarded as being in an especial manner influenced in his sympathies with that side of the river.

*W. B. Ogden* states, he met Mr. Walker near Becker's house, who said, in his usual rapid manner, that Mr. and Mrs. Becker had some very ridiculous notions, "very ridiculous, indeed," which he had settled or removed. Did not then know to what he had reference from Mr. Walker. It was between the death and burial of their child.

*A C Becker* being asked by Mr. Kellogg whether he proposed to bring forward further witnesses to sustain this charge, he, Becker, pledged himself to do so, if necessary, hereafter. A. C. BECKER.

REMARKS.—It will be noticed how logically the specification is deduced from the statements;—a general charge, from a single vague and almost unmeaning case!

Mrs. B., nurtured in the Unitarian system, had requested that, at the burial of her child, the accustomed ceremony of dropping the earth be dispensed with. The respondent satisfied her that it was better otherwise; and then spoke of the objection, and of its having been obviated! And this was an abuse of "the confidence extended to him in his clerical capacity!" O tempora! O Mores!

*Tenth, Immorality*—In asserting to Mr. Becker and Mr. Kinzie in the Vestry-room, on 22d Dec. 1843, that the ladies of St. James' Society hissed and stamped at him on the occasion of the meeting at his house 6th Nov. preceding. Mr. Walker next day attempted to explain by saying he had been told so, but refused to give his authority. (K's charge.)

*A. C. Becker* called—States that Walker said to him, witness, in the presence of Kinzie at the Vestry-room, that, at the meeting at the Rectory, Mrs. Magill, Mrs. Kinzie, and Miss Williams stamped and hissed while he, Walker, was addressing the ladies. A. C. BECKER.

*Mrs. Kinzie* called—Says that at the meeting at the Rectory, there was no hissing or stamping by the ladies, to her knowledge.

JULIETTE A. KINZIE.

REMARKS.—To an understanding of specifications 10th and 14th, with which also the 2d may be connected, it is necessary to be stated, that many professed friends of the Church, feeling that the time had come for commencing the erection of a church edifice on the south side of the Chicago river, where is by far the largest portion of the population of the city, with a view to the establishment of separate services for Trinity congregation, agreeably to an understanding between both parishes and the respondent, at the time he accepted the Rectorship of the two, had come forward and offered certain specific contributions to the object, provided the Ladies' Society would co-operate and raise \$500 for the same; and requested the respondent to propose the subject to the ladies, and, if possible, secure the desired co-operation.

It is true that a jealousy on the part of some on the north side of the river, of any movement in favor of the south side, had shown itself previously. A witness of the presenters thus testified: "I inferred there was a jealousy existing on the part of those residing on the north side of the river towards the building of a Church on the south side."

But as the establishment of Trinity Church, organized, with the approbation of the Wardens and Vestrymen of St. James', for the south side of the river,\* was in the compact with the respondent, he felt that good faith towards those on the south side of the river, no less than very obvious duty, demanded him to regard them as far as duty to the whole people committed to his charge should seem to require, and occasion should be given. He, therefore, readily consented to serve the interest named, by making the desired proposal to the ladies at an early opportunity, anticipating no other than a cordial and almost unanimous response to an application so proper to be made, and, if ac-

\* The following is a resolution which was adopted at a meeting held June 28, 1842, preliminary to its organization:

"Resolved, That in the opinion of this meeting, it is important and necessary to the interests and increase of the Episcopal Church in this city, that a Church be permanently established on the south side of the Chicago river."

This being approved by the Wardens and Vestrymen of St. James' Church, and other persons connected with that congregation, the organization took place on the 5th of March next following. The failure of all efforts made to secure the services of a clergyman for the new parish, caused the interest in it gradually to subside, till at the respondent's arrival in Chicago, Trinity Church existed only in name. But that the respondent might legally and canonically have the oversight of the entire field, the Wardens and Vestry of that Church invited him to their spiritual oversight in conjunction with his rectorship of St. James'; both congregations, however, forming but one, worshipping in St. James' Church edifice; and it being understood, at the same time, between all the parties, that Trinity Church should receive some distinct services, be revived, if possible, and, in due time, be permanently established.

(Query. Does not the resolution above throw some light on the subject of parish boundaries in Chicago? Let this be considered in connection with a statement involving this subject in the note on page 27.)

quiesced in, so promising of good to the Master's cause. The contrary, however, transpired. So soon as it came to be understood that at a given meeting of the ladies the proposal named would be submitted, an opposition to the plan and the respondent arose among his parishioners in the north. Foremost in this opposition was Mrs. K., who, till then, had expressed herself, touching the respondent, in terms of high satisfaction. Their relation may be gathered from Mrs. K.'s testimony; it was as follows: "I became acquainted with Mr. W. in 1843. He remained an inmate of our family a little more than three weeks. After he left our house, we frequently invited him there. He came to our house more familiarly and intimately than any other acquaintance."—Her local relation to St. James' Church is in her testimony thus: "St. James' Church is opposite to our house; the street divides us from the Church."—Her interior relation to the parish may perhaps be inferred from the declaration before noticed, attributed by Becker to the respondent as having been made just at this juncture, to wit, that "he would put Mrs. K. down. She should rule the parish no longer, as she had done for nine years. Either he or she would be Rector."

At the time contemplated, the proposal which the respondent had been desired to present to the ladies was made. Mrs. K. has testified of it thus:—"Mr. W. did in my presence propose to the ladies of St. James' Sewing Society, which at that time embraced a number of the ladies who, it was supposed, would become a part of Trinity congregation, to go to work vigorously and prepare for a Fair, at which he said he had no doubt they could raise \$500; that with that money they would go to work and lay the foundation of Trinity Church; and there was no doubt that the gentlemen would use every effort to complete it."

The manner in which Mrs. K. received the proposal, and the character of her opposition, are thus given by a witness of the presenters:—"We had some money on hand, and a good many articles. We were preparing for a Fair, when we were expecting to receive a considerable sum. Mr. W. wished that the money should be appropriated to the building of a Church on the south side of the river. He wished the ladies to co-operate, as I understood it."

"I have said that I thought Mrs. K. said too much, and that I did not like to have it ridiculed—our having a Church on this [the south] side of the river."

"Mrs. K. said if the gentlemen were going to appropriate the ladies' money, they had better come and cut out the aprons and work, and have some knitting." (!)

The meeting of the ladies at which this took place being but partial, not embracing the entire ladies of his charge, the respondent, on the Sunday following, notified a general meeting to be held at the parsonage the next day, to allow him to submit the proposal to and invite the co-operation of all.

On Monday afternoon, Nov. 6th, the meeting was held. The respondent addressed the ladies present on the subject which had been the means of their assembling, and urged a general and united co-operation with the gentlemen in an effort to build Trinity Church; insisting that sectional feelings and local interests should be disregarded in view of the character and magnitude of the results sought to be accomplished; that the division of the city by a small river should not be allowed to divide Churchmen in a great effort for the Church, like that proposed. This is the meeting referred to in specification 10th.

In the light of what has been stated, it may be judged from testimony deduced from presenters' witnesses, whether the respondent might not have said "that ladies hissed and stamped at him on the occasion of that meeting;" and, to substantiate the assertion, might not have said that others knew the same, for they had told him so.

It is proper to state, that what Mr. W. asserted to Messrs. Becker and Kinzie in the Vestry-room, (see specification), was said in answer to a request that he would state his causes of grievance, with a view to explanation and reconciliation. It was said, therefore, as to the chief party herself—to Mr. K., that he might state to Mrs. K. what were the respondent's views and feelings with respect to the course she had taken.

Sherwood testified thus:—"I heard ladies, who were present at the meeting, censure Mrs. K.'s conduct at that meeting. I do not remember any more except my wife; there were others, but I have forgotten who."

Mrs. Sherwood thus: "I have said that the manner of the ladies was not respectful."

Another witness thus: "I don't remember much about it, it was so long ago. They showed no respect to Mr. W."

Another thus: "I presume Mrs. W. and Miss R. heard me speak of signs of disapprobation exhibited by the ladies towards Mr. W. at the meeting referred to, as I have done to others."

"I heard Mrs. M., tapping the floor with her foot, say, 'Walker wants to be Bishop himself.' I considered Mrs. M.'s conduct a very great disrespect."

"Mr. W. said he should not think they would allow a little stream, Chicago river, to make any difference towards this [the south] side. After this remark, Mrs. M. made the above remark, and tapped with her foot as above stated. I did not hear the expression, 'Shame, shame!' but I was told it was said."

A witness of the respondent testified with respect to this last point thus: "When Mr. W. said the ladies ought not to let it appear that the river would divide their feelings, he was interrupted by I, think, \*\*\*\*\* saying, 'For shame, Mr. W. for making such a remark.' I sat next to her."

The same could have been corroborated by other witnesses. So much may suffice, however, for a fair judgment on specification 10th, and to aid somewhat in the formation of the same on the 2d and 14th, and, perhaps, some others.

*Eleventh*—Mr. Walker asserted to Mr. Becker that he was pained to see the indignity and contempt with which Mrs. Kinzie treated Mrs. Whiting in company. This he admitted that he had said in the meeting at Mr. Kinzie's house in the afternoon of the 22d December, in the presence of Messrs. Rogers, Saltonstall, Whiting, &c.; but the next morning



retracted it, with many other things, in conversation with Mrs. Kinzie, on the ground that he had not understood what was attributed to him. (K.'s charge.)

Mrs. Kinzie states that Mr. Walker admitted his having said that Mrs. Kinzie had treated Mrs. Whiting with contempt and indignity. The following day he denied having ever said what was stated by Mr. Becker, and when reminded that he had admitted it the previous day, said he would not have done so, if he had understood it.

JULIETTE A. KINZIE.

A. C. Becker states that Mr. Walker expressed his surprise to him that Mrs. Whiting should so warmly sustain Mrs. Kinzie in her opposition to him, Walker, after the indignant and contemptuous manner in which Mrs. Whiting had been treated by Mrs. Kinzie, at a party, when the Bishop was present.

A. C. BECKER.

REMARKS.—The respondent did say to Becker, when told that Mrs. Whiting sustained Mrs. Kinzie against him, that he was surprised at it, after having herself been treated with such disrespect by Mrs. K., but a short time before. When this was complained of by Mrs. K. to the respondent, (for Becker soon communicated it to her,) he said that such was his impression of her course towards Mrs. W.; but, as it was a matter of opinion simply, if Mrs. W. did not so view her conduct, did not feel that she had been treated contemptuously, the respondent was indifferent. His own tastes and habits led him to a different estimate of the case; and he spoke of it from his own impression. The retraction referred to is to be found in the above explanation, and there only, whatever may have been Mrs. K.'s understanding of it.

It is submitted whether Mrs. K.'s feeling and interest in this case, would be most favorable to a precise and literal recollection, such as is professed, of conversations had long before. It is upon this very exact memory that the main points in several of these specifications depend.

The following question and answer from the deposition of Kinzie, may serve to show that *very possibly* there was some foundation for the respondent's impression:

"Q. Did you or your family speak lightly to Mr. Walker of Mrs. Whiting, because of a certain matter in regard to which appeal was made by Mrs. Kinzie to Bishop Chase?"

"A. There was a question upon a passage in the Bible, about which Mrs. K. and Mrs. W. were in conversation one evening at Mrs. Magill's, Bishop Chase being present. They both agreed to leave it to him to decide. He concurred with Mrs. K. When we returned home in the evening, Mr. Walker being present, the subject was moved, and remarks made both by Mrs. Kinzie and Mr. W. about Mrs. Whiting's ignorance of the passage in question. I do not recollect what expressions were made."

*Twelfth, Immorality*—In calling his Maker to witness that he was not on the building committee, by directions of whom the alterations in the Church were made. (K.'s charge.)

Jno. H. Kinzie.—A minute of the proceedings of the Vestry held at Capt. Russell's office on the 19th September, marked B, was read.\* Mr. Kinzie states that this minute was read to Mr. Walker; that the latter subsequently told witness he had nothing to do with superintending alterations in the Church, and did not know he was on the committee. He, Walker, directed the alterations, and they were made under his superintendence. Parry was the carpenter employed.

JNO. H. KINZIE.

W. L. Whiting states that Mr. Walker called God to witness he did not know he was on the committee of alterations, until long after the alterations were completed.

W. L. WHITING.

W. W. Saltonstall made some explanations—States that he was present at the Vestry-meeting, and was not himself aware of Mr. W.'s being on the committee.

WM. W. SALTONSTALL.

Mr. Parry called—Says Capt. Russell engaged him to do the work and referred him to Mr. Walker for instructions. Mr. Walker took charge of the alterations. Mr. Kinzie requested his pew to be made of a certain size.

REMARKS.—The case of the respondent was precisely that of Mr. Wm. W. Saltonstall given above; he did not know that he was on the committee, but supposed that in all

\* This minute came not to the respondent with this paper.

ne did he was acting for the committee, agreeably to a request by Capt. Russell that he would do so. This was the view when Capt. R. employed the carpenter, Parry, and told him to abide the directions of the respondent.

There was no complaint on this subject until Kinzie's, Whiting's, &c., fell out with the respondent, when it became an object for Mr. K. to change the responsibility of his pew being made, in the course of the alterations, more spacious than that of Whiting, of which the Whitings had seriously complained, by placing it upon the respondent. This point is providentially settled by the statement of Parry, given above.

The respondent could never have said that he had nothing to do with superintending the alterations; this was too open and manifest: Mr. K. is mistaken here.

*Thirteenth.*—Mr. Walker assigned as a reason for not complying with Mrs. Kinzie's request for an interview and explanation of matters in which she felt aggrieved, that he had acted entirely by the advice of Mr. Saltonstall, who thought Mrs. Kinzie's letters "so improper," that Mr. Walker could not, in justice to himself, take any notice of them. On the same occasion, he gave as a reason for not acceding to the above request for an interview, that Mr. Becker told him it was to be a meeting preliminary to forcing him to resign the rectorship of St. James'. (K.'s charge.)

JULIETTE A. KINZIE.

*Mrs. Kinzie called*—States the above specification is entirely correct.

*Mr. Saltonstall called*—States that Mr. Walker called on him, and showed him Mrs. Kinzie's first letter, (marked E,) requesting an interview. He told Mr. Walker as it was an important matter, he should prefer having Mrs. K.'s specification. On receiving the second letter, (marked F,) witness advised him to take 24 hours to consider of it, and give it serious and prayerful consideration.

*A. C. Becker states*, that he did not tell Mr. Walker it was to be a meeting preliminary to his being forced out of the parish. He told him nothing of the kind.

A. C. BECKER.

REMARKS.—Of the latter clause in the specification, a re-affirmation of what Becker told the respondent may suffice.

The correspondence itself, taken in connection with the above statement of Mr. Saltonstall, may be sufficient respecting the former. It is as follows:

"SIR,—

"If you think proper to accede to the request of Mrs. Kinzie contained in the accompanying note, will you please specify to me the time at which it will be most convenient to you to call at our house, in order that Messrs. Whiting and Becker may be at leisure to meet us.

"Respectfully yours,

"JNO. H. KINZIE.

"TUESDAY MORNING, Dec. 12, 1843."

"REV. SIR,—

"A very painful impression has been left on my mind by certain injurious statements respecting me, reputed to have been made on your authority.

"In the relation in which we stand, of clergyman and parishioner, I cannot doubt you will hasten to offer such an explanation as will remove all cause of complaint. I trust, therefore, you will think me justified in requesting you to name the earliest hour convenient for an interview, in order that the truth may be made manifest.

"As parties concerned in the statements in question, I should wish that both Mr. Whiting and Mr. Becker might be present on the occasion, and it would also be my wish to invite the attendance of an old and valued friend in the Church, who may judge impartially in the matter.

"Very respectfully yours,

"JULIETTE A. KINZIE.

"CHICAGO, Dec. 12, 1843."

"J. H. KINZIE:

"My Dear Sir:—A reply to the letter of Mrs. Kinzie, enclosed in yours of to-day, to me, is herein sent to you. By handing it to Mrs. K., you will oblige,

"Your friend and pastor,

"W. F. WALKER.

"CHICAGO, Dec. 12, 1843."

"MRS. J. H. KINZIE:

"Dear Madam:—On being informed what are the 'statements respecting you, reputed to have been made on my authority,' by which 'a painful impression has been left on your mind,' as is stated to have been the case in your note of to-day, I 'will hasten,' as you have not doubted I would, 'to offer such an explanation' as I shall be able; and, by making 'the truth manifest,' will endeavor to 'remove all cause of complaint.' But while, as at present, ignorant of the 'statements,' the utter impossibility of my replying to them, or pronouncing upon them, must be apparent. Whether they have been made by my 'authority' or not, presents, so far as I can discover, no question for arbi-

tration; for in so far as they are true, involving no misapprehension or misrepresentation, I shall certainly admit them, and so far shall cheerfully consent to be held answerable to you. But, in so far as they involve misapprehension or misrepresentation, I shall as certainly deny them; and hold it as a case solely between myself and the person or persons through whom the 'statements' have been made to you.

"No 'statements' which I have made or authorized regarding you, Madam, not misapprehended or misrepresented, can, I am sure, be otherwise 'injurious' than as the truth may so prove; and this certainly could not have given the 'painful impression' which 'has been left on your mind,' or proved 'a cause of' just 'complaint.' There must, therefore, be a wrong somewhere, through fault, in the misrepresentation or misapprehension of some reporter or reporters as from me, which deeply concerns me, and which points to my being put in possession of the 'statements' as necessary to enable me to decide where lies the accountability, and to secure justice to you and to all concerned.

"A remembrance of our relations as Christians, with a simple desire for truth, and that only, will, I am sure, speedily rectify all that is at present false in our position, and restore us to that 'peace and good-will,' to the cultivation of which, at this holy season, the Church especially calls the attention of her children.

"May 'the crooked' speedily 'be made straight,' and all 'the rough places plain,' so that we may again 'with one mind and one mouth glorify God, even our Father,' through our Lord Jesus Christ!

"I shall hope to be furnished the 'statements' complained of at your earliest convenience.

"Very respectfully and truly,

"Your friend and pastor,

"W. F. WALKER.

"CHICAGO, Dec. 12, 1843."

"REV. SIR:—

"It was precisely for the purpose of making known to you the statements referred to, that I requested an interview with you, in my note of yesterday.

"In the presence of those who profess to have received the statements from you, it will be easy to avow or disavow them—to ascertain where lies the 'misapprehension or misrepresentation.'

"If you are conscious that the 'law of truth and kindness' has been ever on your lips since you have ministered among us, you will court, rather than avoid such an explanation.

"Statements have been made, professedly by you, which I pronounce, and can prove to be, *utterly and unequivocally* false. You surely will not rest under the imputation of having made them, but will come boldly forward, as a Christian Pastor should do, and without evasion or circumlocution, prove that you are clear from the charge.

"Very respectfully yours,

"JULIETTE A. KINZIE.

"CHICAGO, Wednesday, Dec. 13, 1843."

To this letter no reply was made, because, under the conviction attained through the advice of Mr. Saltonstall, it was forbidden.

Subsequently, the meeting with Kinzie and Becker in the Vestry-room took place, where a meeting with Mrs. K., for a mutual statement of grievances and explanations was agreed upon for the 23d of December, and which is often mentioned in these charges.

The meeting was ultimately productive of no good, as this paper sufficiently shows.

*Fourteenth.*—Mr. Walker asserted to Mr. and Mrs. Kinzie on the 12th Nov., that at the meeting of the Ladies' Society at Mrs. Foot's, one of the ladies had told him something with regard to Mrs. Kinzie, but which of the ladies it was "*he could not for his life recollect,*" when urged to give his name; but afterwards, on the 23d Dec., in the presence of Rogers, Saltonstall, &c. admitted that he "*did recollect,*" and denied that he had told Mr. and Mrs. Kinzie that "*he could not do so.*" (K.'s charge.)

Mrs. Kinzie states that every word of the above is true.

JULIETTE A. KINZIE.

Jno. H. Kinzie states that the above specification is true.\*

JNO. H. KINZIE.

John Rogers states, that in the interview at Mr. Kinzie's house, Mr. Walker denied saying to Mr. and Mrs. Kinzie that he could not recollect

\* And yet this same person, under oath, deposed as follows: "Mr. Walker told Mrs. Kinzie, in my presence, that, at the Sewing Society at Mrs. Foot's, he had been told that she had said something against him; and when she asked what it was, and who told him, he said he 'would not tell,' or 'could not tell.' When that conversation was referred to subsequently at my house, he said he 'knew the person, but would not give the name;' the witness gave it first, and then erased these words, and said instead, 'could not for his life recollect' who told him."

By this testimony the offence of the alleged denial, at least, is removed; while it shows how very uncertain, after all, is the exactest memory in regard to precise words used in conversation.

the name of the lady who gave him the information. He was then asked to give the name, which he declined.

JOHN ROGERS.

REMARKS.—An extract from the deposition of a witness of the presenters, taken in connection with the Remarks under Specification 10th, may perhaps sufficiently explain Specification 14th. That the testimony was elicited in a cross-examination will be obvious. It is as follows:

“Q. Does it consist with your knowledge that any lady at that meeting [at Mrs. Foot’s] informed, Mr. Walker that Mrs. Kinzie, during that afternoon, had been ridiculing the plan that it was understood Mr. W. intended that evening to propose—to have the ladies co-operate by lending their efforts and appropriating money to build Trinity Church?

“A. . . . . I don’t know of any lady informing Mr. W. that Mrs. Kinzie ridiculed his plan, but I know that it was talked of in his presence, but don’t know that any one particularly told him.

“Q. Did not you state, in a bed-room in your house, at that meeting, to Mrs. Walker and another lady, that Mrs. Kinzie had ridiculed Mr. W.’s plan that day; and did you not express yourself to them as much injured in your feelings by it?

“A. I don’t remember of saying it to Mrs. W. I have said that I thought Mrs. Kinzie said too much, and that I did not like to hear it ridiculed—our having a church on this [south] side of the river.

“Q. Did you not, among other things, say on that day, or at any other time, to Mr. W. himself, that Mrs. Kinzie had said that if the gentlemen wanted the money, they had better be furnished with some knitting, &c. &c.?

“A. Mrs. Kinzie said if the gentlemen were going to appropriate the ladies’ money, they had better come and cut out the aprons and work, and have some knitting; and I presume I told it to Mr. W.”

The witness did tell it to Mr. W., and that too on his entering the house at the meeting of ladies referred to. When the respondent mentioned the circumstance, he was pressed to disclose the name of the lady who told him. Not wishing to involve her with Mrs. K., he declared that he could not give her name. That “he could not recollect” is a misunderstanding of his words. He believes that he always “did recollect” the witness above quoted as the author of what was referred to, which was what is given above from her deposition. The denial on the 23d of December, was in correction of the misunderstanding referred to.

*Fifteenth.*—Mr. Walker told Mr. and Mrs. Kinzie, that he had left his parish in Troy voluntarily, and in consequence of some misunderstanding with Dr. Milnor. (K.’s charge.)

Mr. Becker states that Mr. Walker has told him the same thing, and that he had never been except on terms of peace and harmony with any of his congregations.

A. C. BECKER.

Mr. Kinzie heard Mr. Walker say that he left his parish in Troy voluntarily, in consequence of a difficulty with Dr. Milnor.

JNO. H. KINZIE.

Mrs. Kinzie states that she has heard him make the same assertion.

JULIETTE A. KINZIE.

REMARKS.—That the respondent did resign his rectorship of Christ Church, Troy, “voluntarily,” and without its being anticipated either by the Vestry or congregation, or ever suggested by either, is here affirmed. It is believed that, at the time, it was neither thought of nor desired by any. The harmony that was in the relation which was thus severed, may be inferred from the fact, that the Wardens and Vestry empowered the respondent to call his successor, by a resolution like the following:

“Resolved, That the Rev. W. F. Walker, understanding the wants of this parish, be and is hereby authorized to call the Rev. ———, at ——— salary, to the rectorship which he has just resigned.”

By virtue of this resolution, the Rev. Edward Ingersoll was invited, by the respondent, to the position named; and the vacancy, at the expiration of about six months, during which time the church was supplied by the respondent, was thus filled.

The determining cause which led to the respondent’s resignation at that precise juncture, was an occurrence that took place on occasion of a visit to his church of Bishop Meade, and the late Dr. Milnor. That occurrence is stated by the witness, Mrs. K., as having been related to her by the respondent, two and a half years before, with an exactness with the facts themselves such as will bring a scene of painful interest to the memory of the Rev. Dr. Barry, of Jersey City, and those brethren of the clergy, then in and about Troy, who were present and witnessed it; and to some of whom was at once communicated by the respondent his intention in view of it; an intention which was executed within a few hours after.

The occasion on which the occurrence referred to took place, was that of a visit of the Rt. Rev. Bishop Meade, the Rev. Drs. Milnor and Barry, and the Rev. clergy then in and about Troy, to the church of the respondent, on the evening of the 23d Sunday after Trinity, it is believed, 1839. Bishop Meade preached; the respondent said prayers. Dr. M. had expected to have done this; but the respondent having been informed by a brother that he had said he should, by his manner, “give Walker a brush in his own church,” he was not asked; but was seated with the other clergy within the chancel.

Says the witness, "the Bishop had hardly finished the Benediction, after his sermon, and the congregation had not left the church, when Dr. M. jumped up and danced about, exclaiming, 'Oxford Tracts and Popery! Oxford Tracts and Popery!' He, Mr. W., was very much mortified, and told Dr. M. he desired to know what he alluded to. Dr. M. said, in the first place, the very form and finishing of the church was objectionable. Mr. W. told him it was built, [arranged rather, as regards the chancel,] upon a plan recommended by Bishop O., and had been followed in instances before, and he did not suppose that any fault would be found with it. Dr. M. then objected to the bowings and gestures [?] that Mr. W. had made use of in the service. Mr. W. replied he was not conscious of having made use of any bowings and gestures, except the bowing at the name of Jesus in the Creed, as is customary in the Church. Dr. M. replied that he should bow his head reverently, and not the knee, or in some way found fault with Mr. W.'s manner of doing reverence. Dr. M.'s remarks were of such a character, and made openly, before many of the congregation, who had stopped to listen, and Mr. W.'s feelings were so much hurt, that he went home and wrote his resignation to the Vestry that very evening, and that he would not remain in charge of the church another day after such an occurrence had taken place. He stated that the parish had been gathered together by his, Mr. W.'s, exertions; that he had embarked a good deal of his own property in it; (\$500 were given by the respondent towards the building, besides gratuitous services for a long while;) "that they were not a very strong Church people, and he was afraid of the effect of remarks coming from such a source on people of that character, that it would occasion trouble in the parish," &c.

This scene was related by the respondent before the venerable brother whom it involves had "fallen asleep." It is due to his memory to state, that to a Rev. brother now in New York City, he subsequently expressed his regret for the occurrence, and thought he had gone too far.

*Sixteenth.\**—Mr. Walker reprov'd Mrs. Kinzie for using the expression "*Trinity Parish*," and told her to say "*Our Church over the river*," that there was no such thing as "*Trinity Parish*," that "*it had ceased to exist*," and subsequently claimed to have been called conjointly to St. James' and Trinity parishes, and assured Anson Sperry that the call he received was by a conjoint letter from the two parishes, written at Mr. Norton's store. (K.'s charge.)

Mrs. Kinzie corroborates the above so far as it refers to herself †

JULIETTE A. KINZIE.

Mr. Kinzie confirms the specification, and states he was present when Mr. Walker reprov'd Mrs. Kinzie for using the term "*Trinity Parish*."

JNO. H. KINZIE.

Mr. Anson Sperry states, that three or four weeks before Easter, Mr. Walker told witness he had received a call from Trinity Church as well as St. James', and the call, as he understood, was given by both parishes at the same time, written at Mr. Norton's store. He heard Mr. Walker state at Mr. Skinner's, before he went East for his family, that they had done the fair thing by him; that he had received a call from both churches.

REMARKS.—The note to "Remarks" under Specification 10th, page 55, will explain what is alleged to have been said by the respondent touching the existence of Trinity Church; and the fact that the canonical certificate of his election to its rectorship was sent by its Wardens to the Bishop August 9th, 1843, might be sufficient to substantiate the claim asserted to have been made. But as concluding more perfectly, if possible, that point, and at the same time evincing the present relation of the respondent to his parish, the following, from the Records of Trinity Church, officially communicated to the respondent Feb. 24th, 1844, is submitted:—

"Whereas, in the month of August last, the Rev. W. F. Walker accepted the Rectorship of Trinity Church, in conjunction with that of St. James', in this city, on an invitation from this Board;—and

"Whereas, it was then believed that such partial services as it was supposed he would be able to render this parish, in connection with those required by his other charge, would be commensurate with its wants, the contrary of which is now indicated, by the unexpected prosperity of this Church and its promising prospects for the future;—and

"Whereas, a change corresponding with the change in our circumstances, it is believed, should be made in the relation to us of our Rector,—the substitution of his entire services for the partial oversight contemplated in our present relation;—Therefore,

"Resolved, That the Rev. W. F. Walker be invited to the Rectorship of Trinity Church exclusive of St. James'; and that he be requested to enter fully upon his duties as such Rector, at the earliest period compatible with the engagements by which he is at present holden."

\* This specification was not in the Presentment which was served on the respondent.

† "Perhaps I should rather have said that he corrected the expression than that he reprov'd me," explains the witness, Mrs. K., in her deposition.

The canonical certificate of the above was at once sent to the Bishop by the Wardens. It was in form as follows:

"We, the Churchwardens, do certify to the Right Rev. Philander Chase, D. D., Bishop of the Diocese of Illinois, that the Rev. Wm. F. Walker has been duly chosen Rector of Trinity Church, in the City of Chicago."

The above Charges and Specifications were served on the respondent, in the form of a Presentment, June 10th, 1844.

A Citation was prefixed to the document, calling on the respondent to appear and answer thereto, in the basement of St. James' Church, Chicago, on the 8th of July then following, before a Court consisting of "the Bishop as Judge, and not less than three or more than six presbyters, assessors with him;" said "presbyters" to be "selected by the accused\* out of a list of the clergy of Illinois,"† which was therewith furnished.

The following note accompanied the Citation and Presentment:

(Private.)

To the Rev. W. F. WALKER:—

*Dear Sir,*—I have fixed the time of your trial according to the Canons. It can be altered, should you wish an earlier period. Please to let me know before I write to my Counsel.

Your obedient servant and friend,

PHILAN. CHASE.

MONDAY, 10th June, 1844.

As soon as these papers were received, the respondent sought a friend, whom he induced to accompany him in a call on the Bishop. At the interview then had, the respondent asked,

1st, That "some neighboring Bishop be requested to preside upon the trial," as the Canon allowed, where the Bishop of the Diocese was "a party concerned;"—

2d, That the time for the trial be some two or three weeks later than that appointed, to allow of some testimony being obtained from Troy, touching Specification 15th; and from New York, Philadelphia, and Boston, to impeach the "swift witness," Becker.

In relation to the former request, such solemn asseverations of impartiality were made, that it was at once waived; and to the latter, it was replied, that Specification 15 did not belong to the Presentment; that it had been ordered to be stricken out, and that the testimony of Becker might be set aside.

Two great impediments being thus removed, the respondent was anxious for an immediate investigation, and urged the Bishop to allow the provisions of Canon with respect to time to elapse before trial, (as suggested in the note from the Bishop above given,) assessors, &c. to be waived, and permit the whole case to come at once before him alone, as Judge and final arbiter.

He seemed disposed to listen to this proposal, till dissent was expressed by the Rev. Ezra B. Kellogg, then present. To Mr. K. the respondent simply remarked, that he had called to see and consult with the Bishop; and to him, therefore, he renewed his proposal, and urged its adoption.

At this stage of the matter, the Bishop demanded, "You must, sir, enter into a recognizance for the costs of the trial, before any thing further can be done!" Startled by the introduction of so

\* See Canon XIV. of 1833, sec. 5, page 46.

† Nine in number, exclusive of two of the Bishop's family, and the Rev. presenter.

extraordinary an issue, the respondent and his friend both objected to the demand as novel and oppressive, and claimed that of those who had sought the trial the demand should have been made, —of the plaintiffs, and not of the defendant.

With the exception that the time for the trial was postponed one week, to the 15th of July, and the new issue respecting a recognizance, which might result in the postponement of the trial indefinitely, was made, the interview was without account.

At 4 o'clock P. M. of the day following, a letter, of which the following is a copy, was sent to the Bishop :

CHICAGO, June 11, 1844.

*Rt. Rev. and Dear Sir :*

From the list of the Clergy in the Diocese, which you kindly furnished me last evening, I would select the Rev. Joseph L. Darrow, the Rev. Geo. P. Giddinge, and the Rev. James De Pui, to "sit as assessors with the Bishop," on the trial of myself, appointed for the 15th of July.

I shall, God willing, be ready, at the time and place appointed, to answer to the Charges preferred, and I hope to the satisfaction of my Bishop.

As regards provisions for the expenses which will be incident to the trial, not including those to which I must be subject in procuring my testimony, it can hardly be that the prosecution will claim an exemption from the rule which is ever observed in civil cases. The rules which prevail in such cases, we have been taught were to govern here\*, and if so, that matter is settled at once. It is all that I can bear, and more than I ought to be subjected to at this time, for I am truly poor, to secure the testimony and the counsel which it will devolve upon me to procure. I cannot, therefore, do any thing towards defraying other expenses of the trial. The feelings of my friends generally are like those expressed to you by Mr. S\*\*\*\*\* this morning, as far as I can gather.

Could the proposal which I made this morning, to dispense with the forms of law, and seek at once the merits of the Charges, be acceded to, I am of opinion the cause of right and the good of the Church would be promoted. If this may not be, I abide within the rights secured to me by the Canons, and conceded by my Bishop, and hold myself ready for the trial as appointed.

Dutifully,

Your presbyter,

W. F. WALKER.

Rt. Rev. P. CHASE, D. D.

At 5 o'clock, P. M. of the same day, the following was received :†

To the Rev. W. F. WALKER :

*Dear Sir,*—I gave you the list of the Clergy of Illinois, from which you were respectfully requested to select such as you desire to be assessors with the Bishop on your trial.

You have not as yet made the selection ; and if you had so done, I am precluded from writing to them to attend at the time appointed, viz. on the 15th of July next, by the fact of your friends having refused to enter into an agreement to pay their expenses in travelling to Chicago.

I am not able to bear this expense ; nor they to endure it without injury to their families.

\* Allusion is here made to declarations made by the Bishop on the trial of Becker. Appendix, M.

† It would appear that the letter of the Bishop was written before that of the respondent reached him. If so, it narrows the time allowed the respondent for deliberation and decision, from the time the Presentment was served on him, to less than one day. Still the Bishop says, "You have not as yet," &c. Of this haste to conclude a point against the respondent, others may judge.

I am compelled, therefore, to postpone your trial till a sufficient sum of money has been raised to bear the expenses thereof.

Your friend and servant in the Lord,

PHIL'R CHASE.

CHICAGO, 11th June, A. D. 1844.

The Bishop having succeeded in getting the respondent presented, had caused him to be thus brought more especially under his power; and while a time had been "fixed" for a trial, had introduced a foreign and before unheard-of issue, by which to keep the respondent "fast bound," until, perhaps, he should be finally broken. For this is the complexion which the course of affairs, at this time, assumed. How true is this judgment the sequel will show.

On the morning of the 12th of June, the following letter was put into the hands of the respondent by the Rev. E. B. Kellogg, who said that the Bishop was then on the steambot, and was to leave the city in a few moments:

CHICAGO, 12th June, 1844.

To the Rev. W. F. WALKER:

*Dear Sir,*—I cannot require the presence of the named assessors on your trial in Chicago, at *their own expense*, nor *at mine*. They are poor, and I am without means of support. More than \$100 will be required to indemnify them their loss; and only one half of this sum is promised to be raised by the members of St. James' congregation. Unless, therefore, something be done, I must of necessity be obliged to defer your trial till we all meet in Convention in Springfield.

As to the matter of "equity" in "dispensing with the forms of law," I have no right to do so; these forms of law meaning in this case, the *Canons of the Church*.\* These we are all bound to obey by our ordination vows. By no other means can "*the merits of the case*," as mentioned by you, "be attained," and legal sentence pronounced.

I can on this head, add no more than this; that if, when Mr. Becker's testimony, (against which you so strongly object,) is withdrawn, you can say you have done wrong, and are willing to stand corrected and advised by your Bishop, and promise to do so, no more; asking God's forgiveness———. In this case acting sincerely, by divine assistance, you can live down all things now alleged to your disadvantage.

Your faithful friend,

P. CHASE.

The respondent hastened to the boat, where he found the Bishop; when there followed the interview related in the Answer on pages 20 and 21. Of that interview, the Bishop testified thus:

"The boat was just going off. Mr. Walker appeared in great agitation, and requested that something might be done before I went off. I told him I knew of nothing to be done, excepting his confessing his crimes. His crimes were stated in the presentation. I observed to him that although there appeared to be an impossibility in bringing him to trial, that there was one way he might evade a trial, and that was by penitence; that his accusers would, and I knew, if he was truly penitent, God would forgive him; and thus he might be restored to peace and usefulness in the Church. He professed to be very sorry, and I hoped he was sincere; and, under the influence of that hope, felt very friendly to him, spoke friendly to him, and expressed my sincere wishes that God would

\* By the note of June 10th, page 62, it will be seen that the Bishop offered this very thing, thus, to wit: "The *time* of your trial, fixed according to the *Canons*, can be altered," &c.



bless him. I accordingly desired him, as there was no opportunity then to write any thing to my satisfaction, as the boat was going off, I desired him to address me at Detroit. He promised so to do. When in Detroit, I waited for his letter with anxiety. I received a letter, and it was entirely unsatisfactory. He treated the subject as if it was a quarrel between him and his parish, instead of his being guilty of crimes. He forgave them, and hoped they would forgive him."

The letter referred to was as follows :

CHICAGO, June 12, 1844.

To the Rt. Rev. P. CHASE, D. D. :

*My Dear Bishop,*—Gratitude for the termination of one of the most trying difficulties I could be called to encounter, prompts a hearty acknowledgment for the kindness of your manner to me this morning, and of your parting assurance. I trust in God that henceforth you shall have cause only to be satisfied with the faithful service of one who has without intentional fault, been the occasion of so much suffering as you must have endured on this account during your late stay among us; and that by a walk chastened by the heavy strokes with which I have just been visited, I may more eminently glorify the Master whom we together own and adore as our Head and Lord.

That I have been without fault in all that has occurred here, I would not pretend; to this extent I have never sought to justify myself. For all the wrong I have done, I certainly "am willing to stand corrected and advised by my Bishop, and to promise, 'God being my helper,'" to endeavor henceforth so to live and serve as shall meet your favor, and secure for myself and for that loved branch of the vine over which I am placed, that blessing by which we may together be built up and made "strong in this grace wherein we stand." Further, I most cheerfully profess that I "am content to forgive from the bottom of my heart all that any here or elsewhere have trespassed against me, and to make amends for all that wherein I myself have offended."

In the exercise of such charity, I hope, "by Divine assistance," to perform the duties before me, and so to commend myself to men's consciences in the sight of God, as to "live down all things now alleged to my disadvantage." I should be glad to meet all who have set themselves against me, and to have that reconciliation which must be effected here in order to the admission of us all into the kingdom glorified hereafter.

I shall attend to the matter of the scholarship, to which no thought could before be given by me, because of the overwhelming pressure of the cares that have been upon me.

Mr. H\*\*\* will be made ready for Jubilee as soon as possible. We shall get him off, in all probability, in the early part of week after next.

Command me as you will, Bishop, and I shall prove myself most truly,

Your affectionate and faithful presbyter,

W. F. WALKER.

Such was the letter which the Bishop has characterized as "the 90th Tract!" (See the statement of Col. Davis, page 31, note.) And, in the above testimony, is his judgment rendered on the case of the respondent in the Presentment before given of 1844, to wit: "Guilty of crimes; the crimes stated in the presentation!" And yet, will it be believed? in June, 1846, and again in August following, he claimed to sit as a "Judge" to try the respondent, on that very Presentment, upon which he had already, in effect, rendered such a judgment! And that, too, it will presently be seen, not only without, but contrary to law! For Canon XIV. of 1838, had, in the mean time, been repealed, and Canon I. of 1845 been adopted.

The Bishop's reply to what he has termed the "90th Tract," was as follows :

BUFFALO, 20th June, 1844.

To the Rev. W. F. WALKER :

Dear Sir,—I received your letter while at Detroit, but had no time to reply.

I wish you had made my written communication to you while at Chicago, instead of the oral conversation on board the steamboat, the subject matter of your letter. I referred you to that communication, and now repeat that reference.

I have the promise of the gentlemen of Trinity\* Parish Vestry concerning the payment annually in advance of \$50, for a scholarship in Jubilee.\* The other \$50 I have received in advance from St. James' Vestry already.

The vacation in Jubilee, 3 months, will commence on the 1st of August. . . . . It would not be advisable for him (Mr. H\*\*\*) to go to Jubilee till after I return, which will, if the Lord will, be about the first of November.

With kind regards to the members of Trinity Church,

I am,

Your obedient servant in Christ,

P. CHASE.

Finding themselves thus disappointed by the Bishop, in the non-fulfilment of the assurance he had given them, that he should stay in Chicago till all the matters touching the respondent, concerning which he wished to institute enquiry, should be set at rest, and he be acquitted or condemned, and by which they had been influenced to serve on the enquiry and to join in the Presentment, four of the presenters, laymen, addressed the Bishop as follows :

To the Right Rev. P. CHASE, D. D., Bishop of the Diocese of Illinois :

The undersigned beg leave respectfully to state, that, in June last, they were by you appointed members of a Committee of Enquiry into alleged charges against the Rev. W. F. Walker; that, impelled by a desire to elicit *the truth*, by an impartial hearing of the charges preferred, and the assurance that it was but preliminary to a full, speedy, and final trial,—thus affording the accused an opportunity to adduce testimony and offer explanations which they were confident would rebut entirely, or materially qualify, the charges preferred,—they concurred in his presentment; but, being now satisfied that the design and object of their acquiescence in the presentment of Mr. Walker have been entirely frustrated, by the postponement of his trial to an uncertain and distant period, thereby subjecting *him* to unmerited reproach, and *them* to the painful conviction that their own act (intended solely to afford him the occasion of exculpating himself) has been misinterpreted, to his injury, as an expression of their belief in his moral guilt; they are constrained to withdraw their names from the Presentment submitted to you by them, as members of the Committee of Enquiry.

In thus relieving themselves from the false position in which they have been placed relative to Mr. Walker, they deem it not less their duty than pleasure, to express their conviction of his innocence of moral wrong as alleged, and their full and cordial satisfaction with him as their Rector.† His steadfast devotion to the cause of his Master through trials, we believe, without a precedent, they have witnessed with pride and gratitude.

\* This was given in conformity with what is stated in the Answer, on page 28. The position subsequently assumed by the Bishop towards the respondent and his parish, prevented its fulfilment.

† Thus, four of the presenters believed the respondent "innocent of moral wrong as alleged;" he believed himself innocent, and thinks he has shown, in his "Remarks" under each specification, that he was so; and yet the Bishop believed him "guilty," characterized the offences charged as "crimes," and demanded their confession! A demand which, if complied with, would both have convicted and stultified the respondent, as all may see.

His fitness and success are happily exemplified in the regard of a numerous, united, and attentive congregation, whose chief aim it now is, to enjoy his "labor of love" without "let or hindrance," assured that the welfare of the parish now under his charge, as well as that of the Church generally, will be greatly promoted by his zeal and talents.

Very respectfully and truly,

(Signed)

GEO. DAVIS,

S. J. SHERWOOD,

JNO. BRINKERHOFF,

W. W. SALTONSTALL.

CHICAGO, Aug. 27, 1844.

The Bishop being asked, while on the stand as a witness, whether he received this letter from four of the presenters, replied:—

"I did receive such a letter: I received that, and regarded it as a paper written entirely by Mr. Walker, and coincident with his character. If Mr. W. was on the stand he would say he wrote that letter."

The respondent rose and said, "W. W. Saltonstall wrote that letter. I make the assertion before God and this court."

The Bishop, not satisfied with this declaration, called on Mr. S. in Lockport, the next day, and asked him "who wrote that letter?" Mr. S. avowed himself to have written it.

The respondent assumed that his letter to the Bishop at Detroit, perfectly fulfilling the terms of the Bishop's letter of June 12th, had cancelled the matters held by the Bishop against him, and that he was therefore free. But his friends felt that it was best to make assurance sure, by the withdrawal of the presenters, as above; deeming such withdrawal valid, on the ground that their concurrence had been granted conditionally, and that the condition had not been met.

Thus matters stood, when, in April, 1845, the letter was written and the reply received, which are presented on pages 42 and 43.

In that reply, it will be noticed, the Bishop says nothing of a trial at the Convention, or of the pendency of the case. The conviction, therefore, became absolute, that "the matter" was "set at rest," and that peace was established between the Bishop and the respondent.

The respondent then sought peace elsewhere, desiring that it might be universal, as follows:

REV. E. B. KELLOGG—

*My Dear Sir:*—Has not strangeness between us and ours, and especially between yours and myself, existed long enough? Time sufficient has been afforded us all for reflection; and the painful position of aliens, with respect to each other, been long enough endured for the extremest penance for mutual faults. The church now invites us to turn from such and all evil, to break off from malice, let go uncharitableness, and, in view of the love as at this time displayed in the humiliation for our sakes of the Son of God, to learn, ourselves—members of Him—to love as brethren, be pitiful and courteous. This present address is intended as an advance on my part, in obedience to her summons. I wish for myself and mine to be reconciled to you and yours,—acknowledging unintentional faultiness in many regards, avowing myself ready to "make amends for all that wherein I myself have offended," so far as is within my power, asking forgiveness for my offences, and giving the assurance that I "am content to forgive, from the bottom of my heart, all that any, here or elsewhere, have trespassed against me." Why may we not, then, "let all bit-

terness, and wrath, and anger, and clamor, and evil-speaking, be put away from us, with all malice: and be kind one to another, tender-hearted, forgiving one another, even as God for Christ's sake hath forgiven us?"—My heart's desire and prayer to God is, that this may be. I should be glad to meet all those who have been opposed to me, and to whom I have been opposed, and have that reconciliation which must be effected here in order to our admission into the Kingdom glorified hereafter.

Please serve the cause of peace, and of the church, as this may suggest, encouraged by the promise of blessing to the *peace-maker*.

Your friend, and brother in the Church,

W. F. WALKER.

CHICAGO, *Festival of St. Matthias*, 1845.

To this letter no reply has ever been vouchsafed.

In June, 1845, the respondent met the Bishop in Convention, a notice of which is contained on page 29. During that Convention, nothing was said by the Bishop of the pendency of any presentment; though his manner indicated, with sufficient clearness, that it existed in effect, if not in fact. He has himself testified in regard to his feelings anterior to that Convention, the year before, as follows: "I should have been sorry to have embraced a person under Mr. W.'s circumstances, by putting my arm around him, though I felt friendly to him;" (!) and that, "at the Convention, he had but little conversation with him."

At this Convention, Canon I. of 1845, (see pages 3, 4, 5, 6,) was adopted; by which, Canons XIV. and XV. of 1838. (see sec. 13, page 6,) were repealed.

A few days after the Convention, the respondent met the Bishop on the Mississippi River; and, by his manner, was so pained that he resolved to seek peace once more, or a separation. He, therefore, addressed to him the following:—

*Mississippi River, June 23, 1845.*

RT. REV. AND DEAR SIR—

Since leaving Springfield, I have thought much upon our position relative to each other; and the conclusion to which I have come is, that you would feel it a relief to have me leave your Diocese. Painful, therefore, as it will be to my feelings to break up thus my connection with the Diocese of Illinois, I will yet observe what I believe to be your pleasure, by asking a letter dimissory to Bishop Kemper, stating, of course, all the circumstances of my present position; and that I be allowed to resign my present rectorship.

If the Bishop prefer otherwise, will he please regard me as before him for admonition and correction whereinssoever he may have thought me to have erred, and let me thereupon be restored to a measure of that favor which I hoped to enjoy when I came into his Diocese? The present estrangement is too trying. My chastisement, Bishop, has been a sore burden: relieve me, if you can consistently; if not, let me encounter the lesser pain of separation, as above requested.

Faithfully and dutifully,

Your Presbyter,

W. F. WALKER.

RT. REV. P. CHASE, D. D.

With respect to this letter, the Bishop testified: "I did receive that letter: I received a similar one to that now read me, and did not answer it, for the reason that he had refused to do the acts of penitence expected before."

Under these circumstances, two weeks later, came the letter from

the Bishop, of July 12th, (see page 45,) of which sufficient has been said in the Answer on pages 29 and 30.

April 23d, 1846, is the date of the next communication: it resulted from Sherwood's application, (page 36, last paragraph,) and was as follows:—

*Jubilee College, April 23, 1846.*

To the REV. W. F. WALKER, of Chicago:

*Dear Sir*—Your trial, which I was compelled to postpone from the 15th day of July, 1844, till I should have a sufficient sum of money raised or pledged to bear the expenses thereof,\* is now appointed to take place at Galena, on the 18th of June, 1846; the Court opening at 10 o'clock, A. M., in such building in that town as the Rector of Grace Church, or any of his friends, may designate and prepare for that purpose: the difficulty which occasioned the postponement, as above named, having now for the first time been removed.

For this trial it is my duty solemnly to advise you to prepare, by confessing your faults or proving your innocence.

Your faithful Pastor,

PHILANDER CHASE, Bp. of Illinois.

A commission was issued at the same date for the presentment of 1846. (See last paragraph on page 36.) By May 14th that presentment was made, a Commissary appointed to take testimony, and a notice of all duly served on the respondent.

Under a protest against the entire proceedings had, and proposed to be had, in whole and in part, as uncanonical, unjust, and oppressive, and with an express reserve of the right of exception subsequently, the respondent engaged in the taking of testimony before the Commissary, by depositions, (see page 11,) "touching the charges and specifications" contained in the presentment of June 1844, and in that of May, 1846, with a view to the trial of the former June 18th, just before, and of the latter "on the day immediately following the rising of, the Convention, at Galena," on or about June 24th, agreeably to an appointment by the Bishop, formally communicated through the Rev. Ezra B. Kellogg.

In a letter from Bishop Chase to P. Ballingall, Esq., at that time received, was the following, by which the respondent was warned that his Bishop was no more favorably disposed towards him than he had been judged to have been for the two and a half years preceding; and that nothing, therefore, must be left open or undone in reliance upon his clemency:

"If he, the Rev. Mr. Walker," is the language, "be not prepared to come to trial on his presentment to me in 1844, and for good and sufficient reasons postponed, on the 18th of June, 1846, the fault is his own.

"The Counsel on the part of the Church will be there, and if the Board of Trial do their duty, they will be present also on that day, viz. the 18th day of June instant, at Galena, that justice may be done—the innocent cleared, or the guilty punished, as the ease may be."

This, in connection with the peculiar introduction into the

\* Compare this with the closing sentence of the first paragraph in the letter of June 12th, 1844, page 64, where, it will be seen that the trial was never postponed as is here stated; but is set down for Springfield, at the time of the Convention, absolutely, "unless something be done," that is, money raised by the respondent or his friends, to bring it on earlier.

It is remarkable that all failures of memory seem to be against the respondent. The discrepancy in these letters is striking, and is of this character.

Bishop's correspondence of that time of the expression, "I am not required to be present at either of Mr. Walker's trials," had the effect, strange as it may seem to those unacquainted with Bishop Chase, of awakening fear, and causing the suspicion that an attempt was to be made to spring upon the respondent, suddenly and unexpectedly, the repealed Canons of 1838, by which he would be placed in the power of the Bishop as his judge, who, at his pleasure, might suspend him, should he "neglect or refuse to appear." (See Canons, pages 46 and 47.)

Hence, anxious for a canonical issue of all the matters affecting him, and equally deprecating extra-canonical proceedings against him, in order, if possible, to secure the one and frustrate the other, should they be attempted, the respondent crossed the State to Galena, and was there, with his Counsel, punctually at the date appointed; but found neither Court nor Bishop to meet him.

On the morning of the next day, June 19th, he received the following:

GALENA, 19th of June 1846.

REV. W. F. WALKER :

*Rev. Sir*—You are hereby notified that the Court for the trial of the case wherein you are defendant, against certain charges as specified in a presentment against you, in the year of our Lord 1844, will open in the Protestant Episcopal Church, Galena, at half past (3) three o'clock (P. M.) this afternoon.

Your friend and

Obedient servant in the Lord,

PHILANDER CHASE,

Bishop of the Prot. Epis. Church in Illinois.

The point that was to be met was now foreseen. But, having ascertained that the civil power might be successfully invoked to stay, by injunction, from the unlawful extreme that seemed to be threatened,\* the respondent was prompt in his compliance with the above notice.

The Bishop† took the chair as Court and Judge! declared the Court open, and called on the respondent to plead to the "Indictment," which, however, was not read. Thereupon the respondent rose, and begged to introduce J. A. McDougal, Esq., Attorney General of the State, his Counsel, through whom he would an-

\* On this subject of the interposition of courts of law, so "as to oblige the members of any religious society to abide by the true intent and meaning of their own Church Law, and thereby, as *between such members*, make that Church Law the law of the land," the learned author of "Contributions to the Ecclesiastical History of the U. S. A.," himself an accomplished civilian, thus observes:—"The courts of law enter not into investigations of orthodoxy and heterodoxy, they undertake not to settle what is, or is not doctrinally true in religion; . . . but into Church law and Church usage, into the polity of the Church, into the rules of conduct whereby its members have voluntarily bound themselves, by joining the Church, our courts of justice do and will inquire; and they will uphold such rules, and deem every member of the society to be bound by them, so long as such Church regulations or canons violate no principle of the constitutional, common, or statute law of the land."—*Ecclesiastical Contributions*, page 286.

The same author, on page 364 of the same work, says,—“Under our system of government, a bishop has no right, directly or indirectly, to try a clergyman; he is entitled to be tried by his brother *presbyters*, because, among other reasons, they are supposed to have some sympathy with him, and to understand from experience something of the troubles he has to encounter. . . . It is of vast importance to the well-being of the Church to preserve their just rights to that large body of real operatives, the parochial clergy.”

† What follows, to the adjournment from Galena to Chicago, is from a report made at the time by competent hands.

swer, so far as it might be proper for him to make answer in the case. The Bishop replied that the Counsel offered would be received, if qualified according to the Canon; and called for the reading of the Canon on that subject. Whereupon "J. T. Worthington, Counsel for presenters," read Sect. 4 of Canon XIV. of 1838, (page 46,) and remarked that the law of 1838, being that under which the Presentment was made, was that by which the case was to be tried. "The Court being informed that Gen. McDougal is not a communing member of the Church, he was not received as Counsel."\*

The respondent made answer that there was now no such law in force as that which had been read; that Canon XIV. of 1838 was unqualifiedly repealed by Sect. 13 of Canon I. of 1845, (page 6;) and that in the Canon under which alone any trial might be had, there was no restriction whatever on the subject of Counsel, except that the presenters should not appear by Counsel unless the defendant should exercise that privilege. (Sect. 11, page 6.) Moreover, that he had been taken by surprise by the question thus raised, for that he had been assured by the Counsellors for the presenters in Chicago, neither of whom were communicants in the Church, that the holding of a Court under the Canon of 1838 was not contemplated; that the Bishop had given his sanction to this view by the statement above given, that "under the new Canon he was not required to be present at either of Mr. Walker's trials;" that thus assured, he had induced Counsel to accompany him all the way from Chicago, at a great sacrifice to his Counsel of time and money; that the point made was of real importance, and, if maintained, would deprive him of a just and canonical right, and leave him dependant on his own efforts, which, not having been contemplated, he was not prepared for. He, therefore, asked that the question thus raised be treated as an independent preliminary question, not as a part of the case, and that he be permitted to be heard in respect to it by Counsel; and, at the same time, suggested that even Sect. 4 of Canon XIV. of 1838, need not of necessity be interpreted so rigidly as it had been; that it was intended to render the reception of Counsel, qualified in a certain way, obligatory on the Court, but not to prevent the reception of Counsel without such qualification, should the Court so please; deeming the clause as intended for the protection of the Court simply, and therefore within its discretion.

During, and before the conclusion of, the argument by the respondent, the "Judge" decided against him. Upon which the respondent observed that the decision having been made while he was arguing the point, further argument seemed to be unnecessary.

The Counsel for the presenters replied as before; and stated that the privilege asked could not be granted, though he would not take the respondent by surprise. He would be in favor, therefore, of giving him time to prepare for his own defence.

The respondent said this would be necessary, in case the decision of the Bishop already given was maintained; and that he believed he should be able to satisfy "the Court" that his view of Canon

XIV. of 1838 was just and true, from usage in civil courts, and from the practice in civil legislatures—law-interpreters and law-makers.

To this “the Court” replied.—“This Court is a Court of equity, and will not regard the technical rules of Canon or Statute law; these, therefore, will be submitted in vain; rules of equity alone will govern this Court. I hope Mr. W. will not introduce any such matters; it will not be so well for him thus to meet the case; he should meet the case otherwise; and I hope he will prove himself clear of the charges. I intend to decide impartially.”

The Court then said the jury would not be called till the next day. “Thereon he gave Mr. W. time, till 10 o’clock, A. M. of June 20th, 1846.

“The Court then,” at 5 o’clock, P. M., “adjourned to meet in the same place at 10 o’clock, A. M., of June 20, 1846.”\*

The next morning, June 20th, “the Court” took his Chair pursuant to adjournment, and appointed the Rev. C. Dresser to act as Clerk *pro tem*.

The minutes of the day before having been read, “the Court” enquired if there were any objections to them; upon which the respondent observed that he wished to say nothing respecting them; that he intended neither to say nor do any thing which might be construed into an acknowledgment of the jurisdiction of that “Court;” that he had before entered a formal protest against it, and that he adhered to the views then entertained; that he would make no objections to the minutes as not stating things substantially as they took place; but his objections went to the right of the Court to adjudicate upon the matter in question.

“MR. WORTHINGTON.—Then I ask the Court to sign the minutes.

“THE COURT.—I shall sign the minutes as they are.”

The Minutes having been disposed of, “the Court” said he would proceed to the consideration of the subject postponed from last evening, and that the respondent would then be heard.

The respondent opened by an allusion to the position in which he stood. He stated that he had prepared himself with counsel, upon whom he had relied; and he would be believed when he said that he was taken by surprise in having his counsel excluded from appearing on his behalf, in the investigation of the subject then in hand. That surprise, he stated, was greatly heightened by the fact that he had been justified in anticipating a contrary course;

1st, By a precedent furnished by the same “Court,” in a case, the analogy between which and that under consideration was so close, in reference to the same matter, as to make it conclusive; †

2d, By the assurances given, by the Counsellors for the presenters, that the case would be tried under the Canon of 1845; and by the declaration of “the Court” himself, that “under the new Canon he was not required to be present at either of Mr. Walker’s trials,” thereby recognizing the abolition of the old Canon, and the authority of the new in respect to the then proposed trial; and,

3d, By the practice of the presenters, tolerated in the very case under consideration; Counsel having been allowed to them in direct contrariety

\* Court’s Record.

† The case of Becker (Appendix, M) was here referred to.



to what the respondent had been denied; two out of three of their counsellors not being communicants in the Church, one of them not even an attendant on her services; while the Counsel offered by him was not only an attendant on the services of the Church, but her liberal supporter, her true, and, it was hoped, through God's grace, might soon become her loyal son.

He concluded that he had, therefore, a right to believe that the Counsel whom he had offered would not be denied him; yea, that he had no right to anticipate that such a question would be raised. Hence, he had never for a moment supposed that he should be called upon to make answer for himself. He felt that he was now disqualified for the task. He had given to the subject but a few hours' consideration, and the main points connected with it lay in a profession to which he was well nigh a stranger. More, that the matters pending were of such vast importance to him, that it might well be presumed, from his known temperament, that his feelings would be too deeply wrought upon to allow that he should even attempt to make answer for himself. But, he said, the necessity being laid upon him, in weakness and much fear, he must proceed; stating in advance, as a bar to any improper interpretation of what might fall from him, that, if his feelings should betray him into any seemingly harsh or unkind expressions, he hoped they would be overlooked and forgiven, in view of his position, especially when he gave the assurance that he would not willingly or intentionally injure the feelings of any one.

"THE COURT—(*Here interrupting.*)—It is the better way, Mr. Walker, for you to go on and state what you have to say, and the Court will hear you.

"MR. WALKER.—I wished to make these observations in explanation of any remarks that might fall from me.

"THE COURT.—The Court will hear you so long as you are in order; but, when you shall say any thing improper, the Court will of course stop you. The Court sits to hear and do justice; but it cannot listen to any thing out of place."

The respondent then argued against the jurisdiction of "the Court" before which he then was, substantially as follows:

All Courts, ecclesiastical or otherwise, are the creatures of law. By law, Courts are created and invested with all their authority; and upon the same law, their existence and authority continually depend. As there could be no civil Court without a municipal law, so there can be no ecclesiastical Court without a Canon law.

When a law is repealed its existence ceases, and every thing depending thereon must fall, unless preserved by some excepting or saving enactment; an authority or jurisdiction resting in the repealed law, falls with the law repealed.

This is a rule universally recognized, and its operation is constantly witnessed in the course of municipal legislation.

In a few instances, the question has come before the civil courts, and, in every instance, the rule contended for has been recognized as unquestionably true. That there are not more decisions on the same point, is owing to the very obvious character of the rule putting it above question.

In Harrison's Digest, vol. 3, p. 2053, it is said, that "no proceedings can be had under a repealed statute, though commenced before the repeal."

Bacon's Abridgment, vol. 6, p. 372, quotes the decision of the King's Bench in Miller's case, in which the Court held, that "no act of jurisdiction could be done by the Sessions after the repeal of the statute, though the proceedings had begun before."

The same case is reported in Wm. Blackstone's Reports, vol. 1, in which the Court say, "Nothing is more clear than that jurisdiction is now gone."

Bacon's Abridgment, page 372, before referred to, lays down the rule, "That if a statute directs that from and after the passing of it, no person shall be subject to prosecution by indictment for a particular offence at common law, it puts an end to the prosecution of that offence, commenced and carried to conviction before the passing of the statute, but in which no judgment has been pronounced." This text in Bacon is taken from the decision of the Supreme Court of Pennsylvania in "the Commonwealth vs. Duane;" reported 1st Binney, p. 601.

Upon the same page in Bacon, it is further stated, that "after an amendment to the Constitution of the United States, taking from the Courts of the United States jurisdiction in certain cases, no jurisdiction can be exercised by those Courts in such cases, though suits had been previously brought, and were depending when the amendment was adopted."

This rule, exactly in point in this case, rests upon the authority of the decision of the Supreme Court of the U. S., in the case of "Hollingsworth vs. the State of Virginia;" reported Dallas, vol. 3, p. 381-2, in which "the Court delivered a unanimous opinion that there could not be exercised any jurisdiction in any case of the kind past or future."

Hill's Reports, vol. 1, p. 324, gives the decision of the Supreme Court of the State of New York, in the case of Butler vs. Palmer, in which the precise rule now contended for is thus laid down: "The repeal of a statute conferring jurisdiction, takes away all right of proceeding under the repealed statute, even in regard to suits pending at the time of the repeal."

And Cowan, Judge, in the same case, p. 334 of Hill as above, says: "The amount of the whole comes to this, that a repealing clause is such an express enactment, as necessarily divests all inchoate rights which have arisen under the statute which it destroys. These rights are but an incident to the statute, and fall with it, unless saved by express words in the repealing clause. \* \* \* \*

"The statute being simply repealed, the very stock on which they were engrafted is cut down, and there is no rule of construction by which they can be saved."

And on page 336, he further says, "It seems to be equally a violation of principle as of authority to say, that any one of its provisions can be enforced or executed after it has been repealed by a general clause."

It will be perceived that the rule recognized by these authorities, and here insisted on, is no technicality in law; but rests on laws and principles that lie at the foundation of all human authority. It rests in that great truth, that the power that gives may also take away; that the power that creates a Court and clothes it with authority, may, at any instant, withdraw that authority, and, if proper, confer it on another.

By virtue of law—the power of the Church in Convention—this Court was created and invested with a specific jurisdiction. The power of the Church in Convention has abrogated that law, and thereby withdrawn from this Court the charter or commission under which it was created. The law of 1838 was the "power of attorney" from the Convention to this Court; that "power of attorney" having been revoked or rescinded, this Court is without authority; as it regards jurisdiction in this case, it is dead.

IT IS NOT CONTENDED THAT THE RIGHTS OF THE PRESENTERS HAVE BEEN VITIATED OR IN ANY DEGREE IMPAIRED; BUT THAT THEIR REMEDY IS CHANGED. Their case is simply dismissed in one Court, and they are directed to another; a very common occurrence in civil courts. And to obviate all difficulty on this score, it was proposed to bring the case, now out of Court, immediately into a Court canonically constituted; that is, constituted under the Canon of 1845, and to ask that it be tried, with the presentment of 1846. But there being now no authority in Canon for this Court to act, its acts must be totally void of force or effect as regards this respondent.

Again, proceedings in this case have been discontinued:

1st, For the reason that on the day named in the Citation, to wit : on the 8th day of July, A. D. 1844, at the Vestry-room of St. James' Church in the city of Chicago, the respondent was prepared, willing, and desirous to respond and answer to the charges and specifications; but there was no Court then and there convened; nor did the Court appointed to try these specifications and charges convene at the place aforesaid at any time thereafter; whereby the said Court, and this case depending before, it expired;

2d, Because, on the 12th day of June, A. D. 1844, in a letter addressed to the Bishop of the Diocese, the respondent fulfilled the condition upon which, in his letter to the respondent of the same date, and in a verbal conversation on board of the steamboat, the said Bishop had made the remission of these charges and specifications to depend; and they thereby ceased to exist. (See letters herein referred to, on pages 65 and 64.)

3d, Because four of the presenters in this case, on the 27th day of August, A. D. 1844, withdrew from the presentment, on the ground that the condition upon which they were induced to concur in it, had not been met, (see letter, page 66;) by which it failed to be the expression of a majority of the committee of enquiry; by which its existence was terminated.\*

4th, Because, afterwards, in June, A. D. 1845, in obedience to a notification from the Rt. Rev. the Bishop of the Diocese, the "Judge" and "Court" now addressed, (see first paragraph of the letter of June 12th, page 64,) the respondent appeared at the city of Springfield, in this State, then and there to answer to these specifications and charges, and was then and there ready, willing, and anxious, to be heard respecting them; notwithstanding which, this "Court" did not then and there convene; nor was any opportunity offered to the respondent then and there to appear and answer to these charges and specifications; and, therefore, he said that, by reason of these premises last mentioned, he had good reason to believe that said charges and specifications had been abandoned; and he insisted that, by the operation of rules recognized in all like causes, this Court expired, and this cause was discontinued.

5th, and last, Because, after these charges and specifications were preferred, the respondent, by one of the plainest rules of equity, as well as by the plain intent of the Canon, was entitled to a hearing, trial, and determination of his case, without delay; and notwithstanding he never solicited for delay, never consented to postponement—but was, at all times, ready, willing, and anxious to be heard in the premises; yet the Court never, until this 19th day of June, A. D. 1846, convened or offered to examine into these matters alledged against him; thereby permitting these charges and specifications to sleep for the space of more than two years, and now to be revived against him; all of which, he insisted, is manifestly unjust, and against the established rules of law universally recognized.

In consideration of each and every of these reasons, the respondent insisted that this case had no existence, so far as Canon XIV. of 1838 and this Court are concerned; that it is dead.

Relying upon the Canons of the Church, as interpreted by rules universal in their character; relying upon Canons confessedly in force, whose meaning is unquestioned, for protection in his just rights—for protection against Episcopal usurpation and oppression, on the one hand, and lay aggression on the other, the respondent insisted that that tribunal had no authority to sit in judgment on this case; protested against its further proceeding; and claimed for himself a trial according to the Canon of the Diocese, adopted in Convention June, A. D. 1845, and now confessedly in force.

J. T. Worthington rising to reply, the respondent enquired of the

\* Had the four who withdrew concurred in the presentment unconditionally, it is admitted that their withdrawal would have been void of force with respect to that instrument. But here the case was otherwise. Hence the validity of their act of withdrawal.

Court" whether he might be permitted to answer Mr. W., should it seem to him necessary. "The Court" intimating that he would not be heard again in reply, the respondent made a few additional remarks, and, by reading a letter from an able jurist, one of the Standing Committee of the Diocese, sustaining the position he had taken, closed his argument.

"MR. WORTHINGTON.—The only question we are to discuss here is as to the jurisdiction; that is the only point, and the only one to which I shall direct the few remarks I am to make. The gentleman has spoken of being surprised in having to take this matter up in this way, and at this time; but I am convinced that this point was not prepared here: it has been prepared before; and the surprise cannot be so great. The ability of the gentleman's argument is such, and evinces so much labor, that I cannot believe it was prepared here.

MR. WALKER.—It has been prepared since the adjournment last night.

MR. WORTHINGTON.—I acknowledge my error, and in doing so, I pay the highest compliment to the gentleman.

The gentleman has spoken of the feeling under which he labors in this case; that is natural. But I have no feeling in this matter. I should be glad to be spared the performance of the duty which devolves upon me. I am no prosecutor; I stand here as the advocate of the Church, and my duty is plain. I make no argument but to the Court, and to the question before the Court for its present consideration. I shall make no address for the benefit of other persons, and turn my back upon the Court. Has the Court jurisdiction, and should this case be tried? These are the questions to be determined.

Mr. Worthington then went into an argument of considerable length, to show that it was the duty of the Court to go on and try this case, under the old Canon of 1833; that the gentleman had prepared himself and selected his triers under that Canon, and it could do him no injustice to be tried under it; that if the case was not tried under the present proceeding, it would probably never be tried, and the Church would suffer.(!) The assurances of counsel to the gentleman are not binding: they might have been wrong. This Court is to decide. The Bishop might have been wrong, too, in his opinion; and if so, he should change it, and act accordingly.

THE BISHOP.—If the question is whether this Court has jurisdiction, I say yes. The Court is in existence. So far as this case is concerned, I declare it in existence, and demand assessors.

MR. WORTHINGTON.—We have only a *copy* of the presentation. If Mr. Walker will admit the copy, I presume the case can be tried. If not, we must have it continued, for the purpose of procuring the original.

MR. WALKER.—We were instructed by the Bishop to be ready for trial, at this place and at this time; that the case would be tried at all events; and if we were not ready, we should have to *abide the consequences*. After this admonition, it seems strange that the prosecution should not be prepared.

MR. WORTHINGTON.—It is not our fault that the original presentment is not here. Its absence would be good cause of continuance.

MR. WALKER.—I came here prepared to have this case tried. These charges have been standing since 1844, and I have never been able to get a hearing. I have sought and desired investigation. I now desire a full canonical investigation of everything. It has given me great trouble. From the assurances I received, I had supposed, until very recently, that the charges had been dismissed—

THE BISHOP, (*interrupting*).—They are not dismissed. You are accused of immorality, sir. It will affect you through life. I would advise you, as a friend, not to be finding fault with this Court, but to have these charges investigated. If such charges were made against me, nothing should prevent an investigation. I would almost throw this book (*taking*

up a large *Prayer Book*) at the man's head who should stand between me and such an investigation.

MR. WALKER.—I now address you as my Bishop, and not as a Court. I have determined upon the course I shall pursue, under a full sense of the duty I owe to myself, my family, and the Church. I have made every preparation for a hearing of this case at this time. I have been at great expense in procuring my testimony, in preparing and coming here for this trial. I have almost taken bread from my family to prepare myself for the trial of this case here.

I was going on to remark that, until recently, I had supposed these charges had been dismissed—

THE BISHOP, (*interrupting.*)—They are not dismissed! Sit down, sir. I call you to order, sir. If you will not avail yourself of my advice, I will adjourn this case. I think I know my place.

MR. WALKER.—I ask pardon, Bishop, if I have said aught that is improper, or anything that is calculated to create unpleasant emotions. I did not intend—

THE BISHOP, (*interrupting.*)—I would not have such charges against me.

MR. WALKER.—All I can do, is to ask that my protest may go on record.\*

MR. WORTHINGTON.—It is, perhaps, proper that the protest should become a part of the record; but there are some parts of it to which I object.

THE BISHOP.—The Court will read over that protest. If it be proper, it shall go on the record; but I will not have anything irrelevant placed there. You are weaving toils, sir, to entangle yourself with.

MR. WALKER.—They have been woven by others, sir.

MR. WORTHINGTON.—The protest can go on file.

THE BISHOP.—Yes, so much of it as is proper.

The consideration of the case was then postponed until the 24th day of August, 1846, at Chicago.†

Under the above terms, the respondent concluded to retain his protest. He felt that, if he should throw it into the proposed crucible of revision, it might subsequently fail to exhibit his position correctly; and therefore, he would forego, with respect to it, what he had asked,—certainly what was offered.

In consequence, the following correspondence was subsequently had:

CHICAGO, Aug. 22, 1846.

To the Rev. W. F. WALKER:

Dear Sir—I wish you to return to me, to-day, the "Protest" which you filed by permission in Court at Galena, June last, against my decision.—After filing it, I permitted you, on your request, to take the Protest with you, for the purpose of making some corrections. The Protest, having been filed, became one of the Papers of the Court, and must be preserved as such in the office of the Court.

You will please return it to me forthwith.

Your faithful serv't in Lord,

PHILANDER CHASE, Bp.

CHICAGO, Aug. 22, 1846.

To the Rt. Rev. P. CHASE, D. D.:

Dear Sir—I requested that the "Protest" which I made against your decision at Galena, might be embodied in the records of yourself, sitting

\* This protest embraced substantially the argument of the respondent given above.

† It is just that it be stated again that the above account of this case, so far as relates to what took place at Galena, is from a report made at the time by one whose character and standing avouch sufficiently for its general correctness. It is, of course, for the most part, but an abstract.

as a court, and it was denied me. Permission was, however, granted to have it, under certain limitations—being modified, corrected, and portions of it, which might be deemed objectionable or irrelevant, stricken out—placed on file. At the moment, I thought I would copy it, and allow it to go among your papers on the terms named. With this view, I retained it. On reflection, my convictions with respect to it were changed. I came to the conclusion that, in the process of revision contemplated, it was not unlikely those portions of the “Protest” to which I should attach importance, might be deemed irrelevant or objectionable, and be stricken out; and so the paper that should finally be filed, fail to exhibit my argument as it was made, and be not, therefore, my real “Protest.” I came thus to the determination not to be under obligation to “the court” for favor on this wise at all. That which I had asked having been denied me, I resolved that I cared not, on the whole, to avail myself of what was offered in its stead. The original is, therefore, one of my private papers, and is preserved by me as such. I have made no copy of it, and have not now time to make one.

If you desire a copy of the “Protest,” and can cause it to be made, I shall allow the use of the original, at my own rooms, for this purpose.

Faithfully yours,

W. F. WALKER.

CHICAGO, Ill., Bishop's Chamber, Aug. 24, 1846.

REV. WM. F. WALKER:

Your letter of the 22d inst., in reply to my requisition of the same day, that you should forthwith return to me the Protest filed by you in court at Galena, in June last, was received and duly considered.

On further reflection, my opinion is unchanged. I insist that that Protest became, by filing at your request, one of the records of the court, and now belongs to this court.

Therefore, I now issue this my positive command, that you return the said paper to me this day by 3 o'clock, P. M.

Signed,

PHIL. CHASE, Bp.,  
and Judge of the Ecclesiastical Court.

To this remarkable letter no reply was given, nor attention paid.

On Monday morning, August 24th, about 9 1-2 o'clock, the respondent was informed by the person who served on him the above extraordinary ecclesiastical *quasi* chancery order, that the Court, for his trial, was to open at 10 o'clock, then following, in Trinity Church, and that the Bishop and others had already gone there.

Astonished that he should have received no notice of the meeting of the Court, and that Trinity Church should thus, by an assumed right, have been designated as the place for holding it, without an application for its use, either to the Rector, the Wardens, or Vestrymen of the parish, the respondent replied that Trinity Church could not be used as was proposed; that neither himself nor the officers of the Church would consent to its being thus taken possession of.

Trinity Church accordingly remained closed.

Very soon, it was reported that the Court had assembled in the basement of St. James' Church. By advice of counsel, the respondent repaired thither without delay.

The proceedings there, as reported for the respondent, were as follows:

Prayer by Bishop Chase. J. V. Smith was then appointed Clerk; up-

on which the Bishop called for the minutes and record of the Court at Galena.

Mr. Worthington moved an amendment as to the time that the second Court was to be held, to wit: "That the trial on the 2d presentment be held immediately after the conclusion of the trial on the 1st presentment."

The amendment was ordered.

The Bishop then informed the assessors that, according to Canon, every thing had been done to bring on the trial legally. "I am authorised," said he, "to appoint time and place. I appointed the time, to-day; and Trinity Church the place. I went there, and found the Church shut. I wrote an adjournment to St. James' Church, immediately.\*

I declare, therefore, that this Court is regularly open for the trial aforesaid.

(*To the Clerk.*) Let the names of the assessors be called.

Clerk called G. P. Giddinge, James De Pui, Joseph L. Darrow: each answered, and the Bishop declared "all present."

MR. WORTHINGTON.—I ask that the Defendant be called by the Clerk.

THE BISHOP.—Let Defendant be called.

CLERK.—The Rev. W. F. Walker.

MR. WALKER.—Present.

MR. WORTHINGTON.—About a paper that was filed at Galena by Mr. Walker. I made application for it to Mr. W. there soon after. I wished it, to prepare an answer. I now ask to file and read an answer.

MR. WALKER.—I move that the proceedings at Galena be read.

THE BISHOP.—I wrote a note to Mr. W. I ask to have his reply read.

MR. WALKER.—I renew my motion relative to the reading of the proceedings at Galena.

THE BISHOP.—To whom belongs our records on file?

MR. GIDDINGE.—Are our consultations to be public or private?

THE BISHOP.—We had better hear what I want to have known. I have made application for a paper, and been denied. Let the letters be read.

MR. GIDDINGE.—If the Court were properly constituted, the paper in question [the protest] would belong to the Court.

MR. WORTHINGTON.—This question is to be decided by the Judge alone. Let the Bishop decide. This is not a question for the jury. I consider the desire of the Bishop correct. The paper filed at Galena is part of the record.

MR. WALKER.—I object to the reading of the letters here: they are private letters.

THE BISHOP.—Let the letters be read.

MR. WORTHINGTON.—They are official letters. (There was here read the first two of the last three letters given above; the letter from the Bishop to Mr. W., and his reply; also a copy of Mr. Worthington's application to Mr. W. at Galena for his protest.)

THE BISHOP.—I addressed Mr. W. again on the subject; has it been served on him?

MR. WORTHINGTON.—It has.

THE BISHOP.—Here is a paper which I request to be read.

(Here was read the above *quasi* Chancery order.)

MR. WALKER.—I deny that the protest was ever filed. Here is the paper; there is no mark of its having been filed upon it. My Counsel, General McDougal, who was present in Galena, knows that the protest never went into the hands of "the Court;" that it was always in my power alone.

\* The notice, posted on the Church, was as follows:—

"The Ecc'l Court appointed to be held this day at Trinity Church, is hereby adjourned, to meet immediately at St. James' Church, basement story, in this city, Chicago.

"Half past 10, A. M., 24th August, '46.

Signed,

FRASER, Bishop and Judge."

MR. WORTHINGTON.—I will read the record.

MR. WALKER.—I propose to read a report of what took place, made by Mr. Hempstead.

MR. WORTHINGTON.—I object.

THE BISHOP.—Let it not be read.

MR. WALKER.—I appeal to the assessors.

MR. DARROW.—I hope the record will be read.

THE BISHOP.—Let it be read.

Mr. Worthington then read the record of the proceedings at Galena.

THE BISHOP.—Let the protest be filed.

MR. WORTHINGTON.—Let it be filed as in June.

MR. WALKER.—Let facts be given. If it may be filed entire, I offer it to be filed to-day. I have no objection to its being possessed by others, provided I have a copy of it. On the condition that a copy of it be made for me, I will allow it to go on file.

THE BISHOP.—Let it be filed as in August.

MR. WALKER.—I now appeal to the assessors as to whether I can be tried under the Canon of 1838; begging leave to read my protest against the jurisdiction of this Court. (*The protest was here read.*) I now give up the protest, on condition that it be copied, and the original or a copy returned to me.

THE BISHOP.—Let it be copied as requested, Mr. Clerk.\*

MR. WALKER.—I ask to read the Canons of 1838 and 1845.

THE ASSESSORS.—It is not necessary.

Mr. Walker here read a letter from a distinguished jurist, sustaining his views against the jurisdiction of the Court, the author of which he declined to name.

MR. WORTHINGTON.—Let the name be known.

THE BISHOP.—The name must be known. It is one of the Standing Committee; and there is no man whose advice I would take quicker. The Court will make the name known; and shame to him who would conceal it;† it is Judge Treat. Let us have no attempts at concealment. The paper belongs to the Court until a copy be made, and then returned to Mr. Walker.

Mr. Worthington then commenced speaking professedly in reply to the protest of Mr. Walker.

THE BISHOP—(*To Mr. Walker.*)—Mr. Walker, let there be no whispering; we attended to you while you were speaking.

MR. WALKER.—I was merely seeking to know what the gentleman is speaking to.

MR. WORTHINGTON.—I will speak plainly enough for the gentleman to understand me. (He then made some remarks, and read his reply to Mr. W.'s protest; taking the ground that the Bishop's right to judge and determine this case is divine, inherent in his office, and that he cannot be divested of it by Convention, nor restricted in its exercise; that the Canon purporting to do this would be, for that reason, null.)

MR. WALKER.—Am I permitted to be heard?

THE BISHOP.—Certainly, sir.

MR. WALKER then replied to Mr. Worthington, stating that, high Churchman as he was, he felt himself unable to reach even the first round of the ladder at the top of which the gentleman had rested Episcopal judicial prerogative; that he had been taught to regard Canons as obligatory on Bishops as well as Presbyters and Deacons; that he believed the Episcopacy to be one thing, and Episcopal government another thing; that these might and did exist separately, though in our Church they are

\* The rights of the respondent do not appear to have been cared for since; neither the protest nor a copy of it having been returned to him, though most respectfully solicited.

† The letter was private; permission was however given to show it to the Bishop, the Assessors, and the Counsel. These had all previously seen it, and knew its author.



united; that the Bishop received all his official power under conditions; that the Ordinal, the Rubrics, and the Canons settle those conditions, and limit his prerogatives, so that by them he is circumscribed and limited in their exercise; that in this case the law was clear, by which the Bishop was without jurisdiction as a Court to hear and determine it; that the Bishop is not above law, but is himself amenable to it, and therefore is bound to observe it.

Mr. Walker then cited the Bishop's letter, intimating that he should not try this case.

MR. WORTHINGTON.—The Bishop does not say in his letter that he has no right to sit. The Bishop has not said that his authority is cut off. He can no more cut off his authority as Judge, than he can his authority to ordain.

MR. WALKER.—Let me have the decision of the Court.

MR. WORTHINGTON.—There was a decision at Galena.

THE BISHOP.—Who has ever heard that I have asserted the high prerogatives that have been the subject of declamation here to-day?

MR. WORTHINGTON.—It is decided, I believe, that the trial is to be held under the Canon of 1838.

THE BISHOP.—Certainly, as long as I am alive.

MR. GIDDINGE.—I wish to understand whether the Bishop is to decide that question. If so, I must decline serving as an assessor, believing it to be uncanonical.

THE BISHOP.—No, no; nothing is decided; time is given for consultation.

The Court is adjourned till 4 o'clock, P. M.

At 4 o'clock, P. M., present as in the morning.\*

THE BISHOP.—I declare the Court now open.

MR. GIDDINGE.—I understand that the decision has been given that the trial is to be under the Canon of 1838?

THE BISHOP.—It has been given, at Galena.

MR. GIDDINGE.—I am bound to object to a decision upon that subject independent of the assessors. I am satisfied that the assessors constitute a part of the Court. The Bishop is not the Court. I consider the proceedings under the Canon of 1838 uncanonical. I have prepared an opinion in writing on the subject, which I had intended to submit. I had hoped to have an opportunity for private conference on this subject, when my views might have been presented, and have avoided this public dissent. I must positively and without reserve decline sitting upon this trial, whatever may be the consequences to myself, unless the respondent prefer a trial under the Canon of 1838.

THE BISHOP.—You are not forced. I have waited for you. Did you want me to come to you? I am very happy to see you at all times.

MR. GIDDINGE.—I am bound to take this course.

THE BISHOP.—Your opinion, sir, is respected.

MR. GIDDINGE.—(*Taking his hat.*)—I must take leave of this Court.

THE BISHOP.—Yes, sir; you are excused.

(*To the other Assessors.*)—The majority of the Court can now proceed.

MR. DARROW.—I am sorry to say that I am of the same opinion, (*at the same time rising and taking his hat.*)

THE BISHOP.—Do you speak for yourself alone, sir?

MR. DARROW.—I have heard Mr. De Pui say the same.

MR. DE PUI, (*rising and taking his hat.*)—I am, sir, of the same opinion.

THE BISHOP.—Very well, sir.

Upon this, the last two named assessors followed Mr. Giddinge, and left the Bishop sitting alone.

\* The respondent having prepared himself with a Chancery injunction, and having secured the presence of the Sheriff to execute it when ordered, was prepared for the worst that might be threatened, and thus appeared again as in the morning.

THE BISHOP, (*as if in amazement.*)—Well! well! this is a new era in the history of the Church. I have no desire—I regret it on account of the gentleman; I regret it on account of Mr. Walker. There are things on record against him, of a criminal nature.\* I must now desist. I should have been pleased had the assessors seen fit to have gone on.

Whether the arguments brought forward by counsel for the prosecution have weight or not, I know not; they are mine.

I would have been the first—God forgive me, if I have done wrong.

The counsel have nothing to say, of course.

It only remains that I order a *nolle prosequi* to be entered in this case, when the good people present shall have joined me in prayer, for forgiveness wherein we have done wrong.

Let us pray. (*Here was a prayer.*)

I order a *nolle prosequi* to be entered, Mr. Clerk. You will deliver all papers in this case to me.

Thus was concluded† what, by way of emphasis, is known as “*the Presentment of 1844.*” It was, in fact, however, the second of that year; another, to be hereafter noticed,‡ having prior rank in the order of time.

A verdict on this case, for which a canonical Court was repeatedly and earnestly sought, but in vain, will now be rendered by those who may receive these papers. This verdict, the respondent will hopefully await, for reparation, in some degree, for his “very much injured reputation.” By it, he is free to say, he will be content to abide. If it be that he is “a *bad man*,” “guilty of the crimes in the presentation,” according to Bishop Chase, he will submit, and withdraw from his position, so far as he may; if it be the reverse, and that he has been “wrongfully accused, the Church and the world ought to be” thus “disabused,” and he to enjoy the benefits of an acquittal, “his reputation being very much injured as it is,” by the means of these presentments, as Bishop Chase has truly said. (Extract from letter to Sherwood, page 36.)

Till this time, the respondent has made no appeal but to the ecclesiastical authorities in the Diocese. He has “refrained even from good words” to his friends abroad, and from acting on behalf of many interests connected with the Church, which he was wont to cherish, that he might not even seem to be attempting to make weight for himself, by enlisting other influences than those immedi-

\* See testimony of the Bishop, page 64.

† This was supposed at the time, and is still maintained; though, for the purpose of exhibiting and refuting the Charges, the respondent asked to be tried on them, upon his own motion, under the Canon of 1845; and to this end offered to waive all preliminaries, and consider himself regularly before the Court in the presentment containing them, according to what is stated in the last paragraph but one of the note on page 13, and at the conclusion of the matter, immediately preceding the note, on page 38.

The Counsel for the presenters, Mr. Worthington, employed by the Bishop, and who may be supposed to have spoken for him, took a different view, which, in a letter to the respondent, he, the next day, presented thus:

“Consider, sir, the effect on you of the proceedings in Court yesterday.

“You were not acquitted. The charges still stand against you; and, unhappily, there is now but one way to be relieved from them.

“You were presented to your Bishop by a high and honorable Court. Many and reputable witnesses have testified against you in confirmation of that Court.” (Two witnesses only were adduced by the presenters, Mr. and Mrs. Kinzie; and they only “testified in confirmation of that Court.”) “All this is of record in the Bishop’s Court.

“You are, of course, *prima facie* guilty in his sight, and can never, under existing circumstances, demand or receive from him letters of credit to another Diocese.”

It is proper to state that this letter was a gratuity; uncalled for by any address from the respondent, to whom its author was well nigh a total stranger.

‡ Appendix, M.

ately and necessarily allied to his cause. It is known to his Right Rev. Fathers, and to his brethren of the clergy, with whom he has communicated, that he has never, even in connections, at times, very inviting, obtruded his difficulties upon their notice. He knows that he has greatly suffered by his silence. But it has been his choice rather to bear and suffer thus, striving, in all lawful ways, for the restoration of unity and peace, than, by act or word, to put "a stumbling-block" in the way, such as an earlier vindication might have proved. Duty to himself, to his family, and to the Church, it must be now everywhere conceded, requires that he should "keep silence" no longer. This, therefore, is now given; and other matters pertaining to the Church in Illinois will, at a future time, follow, should the sense of duty remain as at present.

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J, page 21.

Pages 55 and 56, it is believed, sufficiently vindicate the admitted declaration. Should any think otherwise, the entire of the next preceding papers may be referred to; and they, surely, will not fail to satisfy on this point.

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K, page 21.

The letter of June 20th, from Buffalo, may be seen on page 66; that of June 12th on page 64; and the reply of the respondent, of the same date, on page 65.

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L, page 22.

The resolution of the Vestry was as follows:

*Resolved*, That so much of the revenue of Trinity Church, arising from pew rents and offerings, as shall remain and be collected after paying the interest on the Church debt, contingent expenses, and such amount as may be collected for special purposes, shall be paid over to and constitute the Rector's salary; this resolution to take effect on and after the 24th day of September, 1845, it being the first day of the third quarter of the ecclesiastical year of 1845.—*Records of Trinity Church.*

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M, page 28, note.

The testimony in the note on page 27, and the case for which reference, there and elsewhere, has been made to this place, are thus introduced by Bishop Chase in his testimony on the trial:

"There was another case in 1844, separate from all that have been spoken of. It related to Mr. Walker's disobedience to my orders as a Bishop, requiring him to sustain his charges against Mr. Becker in person; on which charges he had suspended Mr. Becker, and Mr. B. had appealed to me. For some reason or other," &c., as in the note on p. 27.

The case referred to must, of necessity, occupy considerable space ; but as it contributed essentially to give tone to the bearing of Bishop Chase, subsequently, towards the respondent,—as out of it sprang the embodiment of charges which has been termed “THE presentment of 1844,”—as a prior presentment, the first of that year, was immediately connected with it,—and, more particularly, as it involves principles in which the whole body of the Church have an interest, it will be presented at length.

When the respondent came to Chicago, in 1843, he found, in St. James' congregation, the person whose name distinguishes the case now to be presented. A German by birth, though quite at home in the English language, less than middle aged, active, ardent, apparently generous and ingenuous, intelligent, a professed admirer of the Church, though a communicant in the Lutheran connexion, zealous for the Church's interests and interested in all that pertained to them, (as Lutheran offices were not then administered in Chicago,) of social pretensions, claiming to be consul for the Autocrat of Russia, a gentleman in address, and in the enjoyment of comparatively full leisure, his assiduous attentions were received by the respondent, his professions credited, hospitalities were exchanged with him,—in short, he was very soon regarded and treated by the respondent as a warm-hearted, generous friend. All the freedom and familiarity of friendship were, therefore, permitted and manifested. He came to the respondent's house and study at pleasure, and entered into all his interests, opinions, and wishes, as though they were his own.

Some time after this perfect freedom of intercourse had been established, he proposed that he be admitted to the communion of the Church *pro tempore*, declaring that he could not attach himself to the Church permanently, because of his determination never to renounce Lutheranism, in which he and his fathers before him had been reared. The respondent referred him to the rubric, at the close of “The Order of Confirmation,” in the Book of Common Prayer, to-wit: “There shall none be admitted to the Holy Communion, until such time as he be confirmed, or be ready and desirous to be confirmed;” and told him that he was bound to observe that law ; that, agreeable as it might be to his feelings to grant the proposal, duty forbade it.

In frequent interviews, the proposal was renewed, and urged with especial reference to Christmas, then approaching. At length, the respondent consented to address the Bishop on the subject, and to abide his decision. The character of that address may so readily be inferred from the reply, as to render unnecessary the insertion of the letter here.

Under date of Nov. 16th, the Bishop made answer as follows :

“*My very dear Sir* :—I received your letter, and answer it by return of post, about admitting the Lutherans *pro tem*.

“The subject has long occupied my mind ; (for many such cases there are in these Western States ; and I suppose also through the U. States;) and I think ought to be decided on by general consultation of all the Bishops. If I were to decide on it, and require my clergy to conform to what I deem the right course ; and, at the same time, a neighboring Bishop were to require a contrary course ; it would be entirely schismatical—a thing which my soul abhorreth.

“You must, I think, follow the dictates of your own conscience, on the case before you, and act on the rules of general charity. Perhaps, when we meet in General Convention, (seeing it promises to afford such great subjects to set us on talking, and every one speaking his own sentiments,) some course may be agreed on by us all, in which the matter you mention may be put at rest.”

This answer from the Bishop, was very soon shown to Becker; and, from it, he so contended that his desire might be granted, that, unhappily, consent was finally given; and he was told that he might offer himself for communion on Christmas day.

In the meantime, discrepancies and inconsistencies came to be detected, such as diminished the respondent's confidence in him very greatly; but yet nothing was discovered so openly and manifestly wrong as to cause a denial of the privilege which had been conceded. Accordingly, on Christmas' day, Becker received the Holy Communion at the hands of the respondent, in St. James' Church. Directly after, one and another spoke to the respondent on the subject, alleging Becker's moral unfitness for the privilege which had been allowed him; representing him as a Sabbath-breaker, a profane person, and an excessive drinker. This led to a closer observation of him, by which all that had been alleged of him, together with his treachery and double-dealing with respect to the respondent, came to be discovered.

In view of all, the respondent resolved that he would no longer continue to him the privilege of communion in the Church; but, that the act of refusal might not appear to him as simply personal with the respondent, his repulsion was made in conformity with the Church's law, as though he were of the Church. The following was, therefore, privately addressed to him:

MR. A. C. BECKER:

*Sir*—By a law of the Church, for the execution of which every minister is pledged by his ordination vows, it is made the duty of the minister, “if, among those who are partakers of the Holy Communion, he shall know any to be an open and notorious evil liver, or to have done any wrong to his neighbor, by word or deed, so that the congregation be thereby offended, to advertise him that he presume not to come to the Lord's Table, until he have openly declared himself to have truly repented and amended his former evil life, that the congregation may thereby be satisfied; and that he hath recompensed the parties to whom he hath done the wrong; or at least declare himself in full purpose to do so, as soon as he conveniently may.” And Canon 42 of the General Convention declares, that, “If any persons within this Church offend their brethren by any wickedness of life, such persons shall be repelled from the Holy Communion, agreeably to the Rubric.” Such is the Church's law.

That these rules of discipline are after the pattern presented in Holy Scripture, and have ever been acted upon by this Church, as good and wholesome, it is unnecessary here to prove. Painful as is often the performance of the duty thus imposed upon the minister, he is, nevertheless, as he would “be accounted faithful,” not permitted to waver in its discharge, or neglect to “advertise” as required.

As “an open and notorious evil liver,” as stated in the Rubric, or “by wickedness of life,” as it is in the Canon, exemplified in profanity and intemperance, as is commonly reported, and is sufficiently known to me, and by “uncharitableness” manifested in “hurt done to” your “neighbor by word and deed,” you have given such offence to “brethren” and caused the Christian name and profession so to suffer, as to make it my duty to “advertise” you that, without “repentance,” “amendment,” and “re-

compense" so far as may be, and a return to godly unity, you "cannot be suffered again to be a partaker of the Lord's Table." You are, therefore, hereby repelled.

An account of this act of canonical discipline has been submitted to "the Ordinary," to whom, I may inform you, you can appeal, and by whom alone you can be restored. (See Art. XXXIII.)

That you may speedily obtain a just sense of duty, and, "by God's grace, return to a better mind, we shall not cease to make our humble petitions unto Almighty God our Heavenly Father."

Yours, &c.,

(Signed,)

W. F. WALKER.

Easter Even., 1844.

The Bishop was thereupon notified as follows :

Rt. Rev. P. CHASE, D. D. :

*My Dear Sir*—I have this day repelled from the Holy Communion, A. C. Becker, in the manner and for the causes set forth in the following notice to him of his repulsion.

His profanity is notorious, his excess in drinking as much so, and the hurt done by him, by word and deed, to his neighbor, is not slight.

Should he appeal, particulars will be given.

Yours, faithfully,

(Signed,)

W. F. WALKER.

Easter Even., [April 6th,] 1844.

P.S. Mr. Becker is a Lutheran ; one of those who, having never been confirmed in the Church, was by me admitted to be a partaker of the Holy Communion, for the time, in the exercise of the discretion for which your permission was given in the fall. For restoration, therefore, not only "repentance, amendment, and recompense," will be necessary ; but he "must" also "be confirmed, or be ready and desirous to be confirmed."

To this letter was appended a copy of the preceding letter to Becker.

Two weeks after, the following was received from the Bishop :

To the Rev. W. F. WALKER :

*My Dear Sir*,—I received your letter dated Easter Even, notifying me of your suspending from the Lord's table of Mr. Becker.

The same mail brought his appeal to the Bishop. This is to inform you that the trial of Mr. B., which you have mentioned to me, and which I request you to make out in regular form, with specifications and the evidences sustaining the same, will take place, if the Lord will, at the time of my next visit to Chicago, which will probably be within a month or six weeks from this.

With devout prayers that God may direct us in the way of truth and righteousness,

I am, dear sir,

Your faithful servant in the Lord,

PHILANDER CHASE.

18th April, 1844.

Supposing that the "particulars" of the case had only to be given to the Bishop to satisfy him, and put the whole matter at rest, the respondent had resolved to await the Bishop's arrival in Chicago, to lay them before him, when he was surprised by the following :

To the Rev. W. F. WALKER :

*Dear Sir*,—At the instance of Mr. Becker, I have ordered a Court of Investigation to take place on the case of your charges against him. This Court, the Rev. Messrs. Kellogg, Bostwick, and Allanson, will at the time and place mutually agreed on by Mr. Becker and yourself, meet in Chicago.

The papers will be in the hands of Mr. Kellogg.

You will be particular in all your specifications in proof of your charges. The rules of justice will be most strictly observed, and all will await the final decision of the Ordinary.

Your faithful servant in the Lord,

PHILANDER CHASE.

JUBILEE, April 27, 1844.

It is to be noted that, at this time, the separation had taken place between St. James' and Trinity parishes, and that the opposition of those who figure in "*the presentment of 1844*," was at its height. With those persons, without conferring with his presbyter, the Bishop had been so in correspondence as to have espoused their cause. This was first shadowed out in a letter of Jan. 9th, wherein the Bishop says, "I have given the above," (the opinion on page 34, of "*the right of donors*," &c.,) "as my opinion to private persons in your congregation, touching some pretensions which you are said to have made to the contrary;" but was most fully confirmed by the following, in a letter of Jan. 19th:

"As the Chief Shepherd, I am bound by an oath to the Great Heavenly Lord to see that His lambs be fed and not devoured; and for this reason, I must deal plainly with you, and insist on *an alteration* for the better in your mode of treating your parishioners."

How far his suspicions of the respondent, and his jealousy of a foreign influence being exerted through him, had been excited, is shown by the following:

"You mention 'our Bishop' in your letter. What personage did you intend I should have in my mind's eye when you wrote these words? Whoever he may be, please to inform him that I shall never consent to become the tool of a party; no, not even in redressing my own grievances. In common with the rest of the Bishops, I have by the Constitution (I wish you and he would read it) a "*visitatorial power to put things to right*" when they are wrong in Kenyon College; and this right will be soon exercised if the Court of Chancery in Ohio will grant a 'Writ,' empowering the 'Visitors' to make inquiry for \$15,000 NOT YET ACCOUNTED FOR.\*  
P. C."

The Rev. E. B. Kellogg, too, had now arrived in Chicago. Almost with his arrival, and immediately in connection with the last letter given above, was commenced by him the performance of those peculiar duties, which led the respondent, on his trial in Aug. 1846, to speak of him offensively, as it proved, as having "*discharged the duties of ecclesiastical constable*," in the service of a summons, mandatory, respecting the points stated in the letter; at the same time requesting an agreement as to "*time and place*" at and in which the Court should be holden.

The respondent refused to come to any agreement on the subject, denying the right of any such jurisdiction over him. He, accordingly, addressed the Bishop thus:

CHICAGO, May 4, 1844.

To the Rt. Rev. P. CHASE, D. D.:

*My Dear Bishop*,—Your letter of the 18th ult. informing me of Mr. Becker's appeal, gave me notice that you expected him to have a "trial,"

\* The explanation is thus, and was immediately so made to Bishop Chase: The respondent used in his letter the expression 'one Bishop thinks,' &c., in allusion to Bp. C.'s complaints of Bishop McIlvaine. The 'one' was read 'our,' and hence, under the influence of the feelings which had been excited, this outburst.

and that "at the time of your next visit to Chicago, probably within a month or six weeks." I was at no pains, therefore, to "give" you "particulars" in the case, which I saw you had misapprehended, thinking the whole could better come before you when I should see you on your proposed visit.

Your letter of the 27th ult. intimates a change in your formerly proposed course, by a notification of your having "ordered a court of investigation on the case of my charges against him, to meet at the time and place mutually agreed on by Mr. Becker and myself;" and a request to me to "be particular in all my specifications in proof of my charges."

Soon after the receipt of this second letter, the Rev. Mr. Kellogg waited upon me, with a communication empowering him to act as Chairman of the "court of investigation," and requested me to name a time for the holding of said court, which should be in concert with Mr. Becker, agreeably to the terms of his commission, and also of your letter to me.

The change thus indicated in your plan relative to this case, renders it necessary that I should now give you a statement of it, which will enable you to understand it, and not wait for the personal interview and opportunity for verbal explanation at first contemplated. This I am especially required to do, since I have declined to name a date for the holding of the court, of which Mr. Kellogg is to inform you, or to be engaged in a trial to which no duty calls me.

I promised you, in my notice of the repulsion of Mr. Becker, that "should he appeal, particulars should be given."

This I shall fulfil in my exposition of his case, and of the grounds of the course I take relative to his trial.

First, then, Mr. Becker is not, nor was he ever, in any sense, a member of the Prot. Episcopal Church; he was never received into it, either by baptism, confirmation, or by the reception, to this end, of the Holy Communion. On the contrary, he came before me as an avowed Lutheran—a member of that Society by baptism, confirmation, and communion. His application for the communion at my hands was made under a profession of Lutheranism, as laid down in that Confession, which he could not renounce. He wished it as a privilege *pro tempore*, because of their being no Society, holding his views, here, with a clergyman to administer the offices of that system of worship, and to relieve him from coming forward in an effort now to procure a Lutheran clergyman for this place. He appeared to me, at the time, to be a devout man, my acquaintance with him having been short and partial, an intelligent man, and one who would value the Communion properly, could he be admitted to partake of it.

The terms of communion in the Church I put plainly before him, especially the provision that "none shall be admitted to communion until he be confirmed, or be ready and desirous to be confirmed." And here was the difficulty. To submit to confirmation at your hands would involve a renunciation of Lutheranism, and an adoption of the Protestant Episcopal system; and for this he was not prepared, nor could he ever be. His fathers had been Lutheran, as he could trace regularly back to Luther, and the succession should not be broken in him. He wanted to use our system as provisional simply; and he wished it much, for unless I could yield to his wishes, he must live at present without the higher offices of religion. Embarrassed by the application,—because his case was not alone, ("many such cases there are" here,)—and wishing to do what I might, (indeed the strength of this wish caused my embarrassment, else the law being plain, I should have settled it by a direct negative,) I addressed my Bishop, and asked his directions. Under date of Nov. 16th, I received in reply the following:

"I received your letter, and answer it by return of post, about admitting the Lutherans *pro tem*. The subject has long occupied my mind, (for many such cases there are in these Western States, and I suppose also



through the U. States;) and I think ought to be decided on by general consultation of all the Bishops. If I were to decide on it, and require my clergy to conform to what I deem the right course; and, at the same time, a neighboring Bishop were to require a contrary course; it would be entirely schismatical—a thing which my soul abhorreth. You must, I think, follow the dictates of your own conscience on the case before you, and act on the rules of general charity. Perhaps, when we meet in General Convention, (seeing it promises to afford such great subjects to set us on talking, and every one speaking his own sentiments,) some course may be agreed on by us all, in which the matter you mention may be put at rest.”

This letter I showed to Mr. Becker, and, his urgency continuing, “the dictates of conscience” prompted a compliance with what seemed to be “the rules of general charity;” thus influenced, I told him to have what he had asked. He accordingly offered himself for the Communion, and was entered on the Parish Register, “Communicant, temporarily, being Lutheran.”

Subsequently, my views of Mr. Becker’s fitness for the continued exercise of my discretion in his behalf, underwent an entire change. “The rules of general charity” could no longer require me to extend to him again a privilege, whose enjoyment rested alone on “the dictates of my own conscience.” He was a Lutheran, receiving the communion as such at my hands, without a claim for the favor, and I was administering it without any warrant of the Church for so doing; rather, was transcending law for the purpose, though under permission from my Bishop, if my conscience should thus sanction.\*

When, therefore, I “heard with my ears” Mr. Becker say, “Damn the Church!” “Damn the Ritual!” and use other like expressions; and on another occasion say, “You are a d——d liar!” and, “It is only one of the many d——d lies you have told since you have been in Chicago!” When I became satisfied, from what my eyes saw and my ears heard, that he “was a busy body in other men’s matters;” and talked of his neighbors to their hurt, some of whom were communicants, and others not; and, finally, when I heard him commonly spoken of as an excessive drinker, the quantity which he was known from actual observation to drink being named; when he was seen to be in the habit of resorting to bars for drink on Sundays, and spending his Sunday afternoons, not as “Canon 41 of the General Convention” provides, but in “eating and drinking,” and this so as to prove a scandal, and cause it to be reproachfully said to me, “You have in that man a consistent Church member!” and when, at last, I saw him, as I should at once have said, well-nigh drunk; when all this was seen, and heard, and known, by me, I would not again admit him to our communion.

I had reason to think that, at Easter, he would offer himself for the communion; and so I met my duty the day before by sending the notice, a copy of which you received.

I regarded the act as a simple withholding of a privilege, which my discretion alone had granted, and for which, either way, my conscience was to answer.

Still, it was a repulsion, and the letter of the law required that I should report it to you. This I did on the very day of the act. And my notice to him stated that I had done this, with the information that he could appeal to you, by whom alone he could be restored. For I supposed you to be competent to permit to another the exercise of the same discretion you had permitted me; and that Mr. B., if you were disposed, might, my successor being willing to admit him on such permission, be allowed to partake of the Holy Communion again, as he had done before.

Now, agreeably to my view, in the repulsion of Mr. Becker, I simply freed myself from a responsibility which my Bishop could not decide that

\* This permission was understood as simply securing against prosecution for a breach of law.

I should assume, and which, therefore, I certainly could not be required to bear longer than conscience should dictate. I cannot, therefore, properly, justly, or canonically, be called upon to be a party to a trial in this case.

He not being a "person within this Church," (Canon 42,) our law extends not to him in such wise, that I should consent to have more to do in the case. Accordingly, I have not, nor do I now, prefer charges. I have only stated the reasons which governed my action.

That the Bishop may "institute an enquiry," in the case of "any person or persons within this Church," on their making complaint to him, Canon 42 of the General Convention expressly provides. But, even then, I do not see that it must be in the form of a trial, to which the repelling clergyman is a party.\* However this may be, the present is another case, as this statement has shown.

I think my view and my course correct, and flatter myself that they must so appear to my Bishop. I shall so hold them till otherwise advised by you, at least.

I am, Rt. Rev. and dear sir,  
Your faithful Presbyter,

W. F. WALKER.

To the above, the following reply was duly served by the Rev. Mr. Kellogg :

JUBILEE COLLEGE, May 9th, 1844.

To the Rev. W. F. WALKER :

*Dear Sir*—In answer to your letter of the 4th of May, which I received by last mail, I would say that it seems to me reasonable that a person accused of immorality, ought to have an opportunity of making his defence.

Mr. Becker, having been admitted by you to our communion, has been by you accused of immoral conduct ; and pleading not guilty, has sought for a hearing of his case from the Ordinary, as the rules of our Church direct. To put him by, and say we cannot give him this hearing, on the ground of his not having been *duly* admitted, seems to me unreasonable and unjust.

Whatever irregularity there may have been in admitting him, the same does not affect the main question. You used the Canons and Rubrics of our Church in directing you how to accuse him. He ought, in my humble opinion, to have the benefit of the same Canons and Rubrics in making his defence.

You will, therefore, consider yourself as respectfully requested by the tenor of these presents, to attend at the Vestry room of St. James' Church, on the thirty-first day of May, instant, at 10 o'clock in the morning, then and there to substantiate, by lawful evidence, in a court of inquiry which I have appointed, the charges you have made against the moral character of A. C. Becker, as contained in a letter, sent by you to me, dated "Easter Even, 1844."

Your friend and servant,  
PHILAN. CHASE, Bp. of Ill.

The following reply was addressed to the Bishop ; and information having been received that he would be in Chicago in the course of the day in which the letter was written, it was enclosed to the Rev. Mr. Kellogg, with a request that he, who would see the Bishop earliest, would hand it to him, on his arrival :

CHICAGO, May 30, 1844.

To the Rt. Rev. P. CHASE, D. D. :

*My Dear Bishop*,—Your letter of the 9th inst., permit me to say, presents no grounds sufficient to induce a change in the conclusion I had

\* The present General Canon is silent on this subject, and there is no Diocesan Canon with respect to it.

formed, and expressed to you, under date of the 4th inst., relative to the case of Mr. Becker. That which is urged as a reason why I should take part in the "inquiry" appointed for to-morrow,—that "Mr. B. has been accused by me of immoral conduct," and that "I used the Rubrics and Canons of our Church in directing me how to accuse him,"—is a mistake, and consequently the conclusions based upon it cannot hold. Mr. B. has never been accused by me in any way. In my repulsion of him, I simply assigned "causes" for the act. "The dictates of conscience" had prompted me, under permission from my Bishop, to "act on" what seemed to be "the rules of general charity," with respect to Mr. B., and to extend to him, for the time, the enjoyment of a certain privilege. When circumstances became developed, affecting, in my view, the moral fitness of Mr. B. for the further enjoyment of that privilege, "the dictates of conscience" prompted my withdrawal from the responsibility of longer extending it to him. That he might not have just cause of complaint, I did this in the form of a repulsion provided by the Church for her own members. Here was my "use of the Rubrics and Canons." I employed them, that Mr. B. might see how clear was my duty in the case of those of the "members of this Church" who "come to be partakers of the Holy Communion," who should offend in a specified manner, and so, by an easy inference, justify my course towards himself who was without,—who was with us only on the sufferance of my conscience. My letter to you containing my notice to Mr. B. of his repulsion, and mailed at the date of that repulsion, presents at its conclusion the following, affording this same exposition of my act, contemporaneously with it: "Mr. Becker is a Lutheran;—one of those who, having never been confirmed in the Church, was by me admitted to be a 'partaker of the Holy Communion' for the time, in the exercise of the discretion for which your permission was given in the fall. For restoration, therefore, not only 'repentance, amendment, and recompense' will be necessary; but he 'must also 'be confirmed, or be ready and desirous to be confirmed.'"

Here was distinctly presented the view, that this was not a case to which the Church's law, regarding expulsion and restoration, could be at once applied; but, that, in addition to all which is required in cases of which the law takes cognizance, the cases of her own members, before Mr. B. could be restored through me, even by the Bishop, "he must be confirmed, or be ready and desirous to be confirmed." I supposed that, on his appeal, this would be pointed out to him; and that he would, in consequence, see, that to again enjoy the privilege of communion, he must "prepare himself according to the preparation of the sanctuary." This supposition arose naturally out of the position which you had taken in your letter to me of Nov. 16th, not to decide on the admission of such persons, for, that it might be, in a certain event, "entirely schismatical;" but to leave them with the clergymen in whose charges they might be, to be admitted or refused at their discretion, unless they should apply as is required of the children of the Church; in which case, conformity to the Church's law would entitle them to communion, or to an inquiry, as the Rubrics and Canons provide, on an appeal, if they should be repelled. At the same time, I believed, as stated to you in my letter of the 4th instant, that if he could justify himself to you, you were "competent to permit to another the exercise of the same discretion you had permitted me, and that Mr. B., if you were disposed, might, my successor being willing to admit him on such permission, be allowed to partake of the Holy Communion again as he had done before."

You will, therefore, please excuse my declining to be considered Mr. Becker's accuser. I stated to him and to you "causes" for my discontinuance of the exercise of a certain discretion in his behalf: this is all. I preferred no charges, for I anticipated no trial in a case to which there was no law to apply. I promised you that, "should he appeal, particulars would be given." That promise I made good in my letter of the 4th.

Those particulars were with me "causes" which determined my action; if my Bishop deems them insufficient, or doubts my course, I shall regret not to be allowed more of his confidence. With Mr. Becker, I can have nothing to do. My view of him was partially given in my letter of the 4th, since which he has further so prostituted himself before me, that I must regard him, morally, as one of the most undeserving of men.

That it was within my province, under the circumstances, now familiar, under which Mr. B. came to be a partaker of the Holy Communion in the Church, at any time when it should cease to be my pleasure longer to continue to him the privilege he had enjoyed, through me, to withhold it from him, and so to repel him, without assigning "causes" for the act, without a reference to the Rubrics and Canons, and without giving an account of the same to the Ordinary, is, I suppose, unquestioned. There could then, of course, be no "inquiry," and certainly there could be no direct restoration; for the Bishop could not more consistently readmit than he could in the first instance decide that his presbyter should admit such a person; the principle involved in both cases would be the same. Can my consideration, then, in assigning "causes" for what I did, and in adducing the Rubrics and Canons to show that the course observed towards him was only that which I should be bound to observe towards "the members of this Church," so change the whole case as to place Mr. B. in possession of rights,—otherwise confessedly not his,—the rights of the children of the Church? Can it have made him a "member of this Church" who was no member, and so render me justly liable to be challenged by him to the vindication of a course which rested with my conscience simply, on his appeal, "in a court of inquiry," "by lawful evidence?" I cannot so view the matter.

That the case of Mr. B. has gone to the public, is to be attributed solely to himself. I gave it to you and himself only. If, therefore, he complains of being aggrieved, because of the position into which he has been brought relative to the Church through me having come to the knowledge of the public, the complaint must be against himself simply.

My complaint *might* be that I was so imposed upon by him in the first instance; and then, when I have discharged a duty for which I alone must answer, at the tribunal of conscience here, and at that of my Maker and my Judge hereafter, this should be laid hold of, as I will assure you, Bishop, it seems to have been by some here, as another and available means of oppression and persecution. But as I have borne, so will I still bear, God helping me, without complaint. I rely upon the integrity of my cause, upon the faithfulness of the Master I serve, "Who knoweth how to succor," and upon the dispassionate consideration of my Bishop. "*Audi alteram partem*" is a rule which I have full confidence will be observed with regard to all the matters concerning which complaint has been made to you.\* That the Spirit of God may then guide to a right judgment is all that I can ask.

I trust my Bishop will appreciate the assurance of unfeigned regret which is experienced when, on the strength of views now before him, I decline a compliance with his "respectful request" to me to participate "in a court of inquiry," "appointed" on the case of Mr. A. C. Becker, to be holden "at the Vestry-room of St. James' Church" to-morrow.

With sentiments of dutiful regard,

I am, Rt. Rev. and dear sir,

Your faithful presbyter,

W. F. WALKER.

It subsequently transpired that "the Court" met at the time and place appointed; but, the respondent not being present, broke up, without considering the case.

\* In this confidence the respondent was most sadly disappointed. His Bishop adjudged him "guilty" without a hearing in any way.

Having heard of the Bishop's arrival in the city, agreeably to expectation, and of his having taken up his quarters with the family of Kinzie, known to himself to be most opposed to the respondent, where his ears must of necessity be filled with prejudiced statements, and where very few of the respondent's friends cared to go, instead of with his presbyter, who had cordially invited him to accept the hospitalities of his house, anticipations of a no very pleasing or promising character were entertained, when, on the morning of Saturday, June 1st, a call upon him was resolved upon.

About 10 o'clock, A. M., the call was made. The Bishop's testimony sets out what had taken place. "For some reason or other," said he, (and those reasons are contained in the above correspondence,) "Mr. Walker had refused to obey my orders as his Bishop. There were then three clergymen in town, to whom I gave the information, and required them to present Mr. W. for trial, in consequence of his having broken his ordination vows. They did present him as having broken his ordination vows."

That presentment is as follows :

CHICAGO, June 1st, 1844.

At a meeting composed of the Rt. Rev. P. Chase and four of his Presbyters, the following question was put by the Bishop to each of his Presbyters, viz: Do you think that the Rev. W. F. Walker, in refusing to appear at the time and place appointed, to make good his charges against A. C. Becker, has violated the spirit of his ordination vow?

The answer to this question was in the affirmative, by the following Presbyters:—

E. B. KELLOGG,  
WM. W. BOSTWICK,  
WM. ALLANSON,  
DUDLEY CHASE.

This document is addressed to the Bishop, here present.

E. B. KELLOGG,  
Secretary of the meeting.

The respondent had but just entered the room, when he was accosted by the Bishop, thus: "You, sir, are the man who has broken his ordination vows; and you are presented, sir—you are presented. There—read that,"—pointing to the above presentment! lying on the table. Then, shaking his hand, clenched, with startling emphasis in the respondent's face, he said, with an earnestness almost peculiar to himself, "You have got to come down, sir,—you have got to come down!"\* The respondent took up the paper and read it; when the Bishop said to him, "When will you be ready for trial, sir?" The reply was, "At any time,—on Monday next, if you please." But, after a moment's reflection, the answer was varied, thus: "I will take some time to consider my position, and will then communicate with you." After which, rising to leave, the respondent said, "Bishop, I suppose you will officiate for me part of the day to-morrow?" When, with an accustomed and peculiar emphasis, Bishop Chase said, "No, sir,—I don't think I'll officiate for you at all: I regard you as *ipso facto* suspended, sir; the case is so clear."

\* With what devotion the purpose thus declared has been pursued, from that date to this present, the papers which this publication presents sufficiently show.

The respondent counselled with his friends, as to what course he should now take; Canons XIV. and XV. of 1838 were examined, by which it appeared that the Bishop, though a party in the case, might be Judge; hence it was thought that the respondent might as well admit the penalty at once, as to submit to any such trial as he would be able to obtain. It was decided, therefore, that, *while he should reserve his own view of the case*, he should "bend to the powers," against which to attempt to stand, under the circumstances, as the law then was, would be to be broken. Accordingly, the following note addressed to the Bishop that afternoon:

CHICAGO, June 1, 1844.

*Right Rev. and Dear Sir*,—Allow me to assure you that your "request" to me to appear before the "Court of Enquiry appointed" by you "on the case of A. C. Becker," was not understood in the sense of an admonition to which a canonical obedience would be required. Since that construction has been put upon it by yourself, my view of the case must yield to my conviction of the duty of submission to my Bishop, and I hereby consent to "substantiate in a Court of Enquiry," on Monday morning next, at 10 o'clock, at the Vestry-room of St. James' Church, the causes I have alleged as the grounds of my repulsion of Mr. Becker.

Yours dutifully,

W. F. WALKER.

P. S.—May I ask that the Chairman of that Court summon the late Wardens and Vestrymen of St. James' Church, or so many of them as may be now in the city, to appear at the time and place mentioned, to give in evidence what they may know touching the charges alleged in this case?

On Monday morning, the Rev. E. B. Kellogg called on the respondent for "specifications of charges," which he said the Bishop required; also that the respondent should appear by Counsel.\* Thus was a regular suit insisted upon.

B. S. Morris, Esq., in a spirit which has ever characterized him with respect to the respondent, a spirit corresponding with that of the Counsel in August, 1846, came generously forward, without fee or reward, or hope of the same, and gave himself to the respondent's defence; for in a trial of him it, in effect, resulted. The report of the trial is interesting, corresponding very nearly with the two reports already presented, but is too long to be inserted here.

The Bishop was trier, or Judge, and finally gave his decision thus:

In making known my decision in the case of the appeal, made to me by Mr. A. C. Becker, against the sentence of the Rev. W. F. Walker, repelling him from the Holy Communion, it is necessary to review the grounds upon which the decision is based; for that purpose the following paper, read at the opening of the Court, will first be read.

BE IT KNOWN, that the Rev. W. F. Walker, did, sometime in A. D. 1843, being at the time, Rector of St. James' Church, in this place, admit to the privileges of a communicant of the Protestant Episcopal Church of the United States of America, Mr. A. C. Becker,† a confirmed mem-

\* The inconsistency in requiring Counsel at one time, and denying the same at another, is striking. The Counsel now demanded and accepted was not a communicant.

† Not so; he was permitted to commune in the Church temporarily; but was not admitted to the "privileges of a communicant."

ber of the [Danish] Protestant Episcopal Church,\* in the use of a discretion generally conceded as being the right of the Rector in such cases, of which the Rev. W. F. Walker was duly advised by the Bishop of the Diocese, on application made to him for information.

On Easter Even last, the said Rev. W. F. Walker did proceed to repel from the Holy Communion, the said A. C. Becker, and duly notify him of the same, and also the Ordinary, according to Canon, and referred it to him as "a case of Canonical discipline," alleging as the grounds of said repulsion, notoriously immoral and uncharitable conduct in the party repelled. Said Walker did also inform the repelled party that he might, according to Canon, appeal to the Bishop, and that he could alone be restored by him to Communion. The repelled party, did rightly make such appeal, and demand an investigation of the alleged causes of his repulsion. Agreeably to such request, the Bishop of the Diocese did nominate the Rev. E. B. Kellogg, the Rev. Wm. W. Bostwick, and the Rev. Wm. Allanson, to be a Court of Inquiry, to investigate facts, and to obtain evidence, upon which the judgment of the Bishop might be based, and inform the parties of the same, and request the Rev. W. F. Walker to appoint a time of meeting. The Rev. W. F. Walker did refuse to fix any time, and allege as a cause of said refusal, that said A. C. Becker had never been a member of the Church. Upon the case being again referred to the Bishop, he overruled the Rev. W. F. Walker's judgment in the case of Mr. Becker, and adjudged that he was entitled to use the Canons of the Church to whose communion he had been admitted, in defence of his character in the alleged causes of his repulsion, and moreover did fix a day, Friday, 31st of May, 1844, for the meeting of the Court above named, in the vestry room of St. James' Church, Chicago, and respectfully request both parties to attend. The Court assembled at the time and place mentioned. Mr. A. C. Becker appeared. Rev. W. F. Walker did not appear personally or by proxy; whereupon the Court adjourned. The Bishop having been informed of the issue, required the opinion of four of his presbyters whether they judged that the Rev. W. F. Walker had broken the spirit of his ordination vows, by neglecting to attend the Court of Inquiry, when officially requested so to do? The four present answered in the affirmative, viz: Messrs. Kellogg, Bostwick, Allanson, and D. Chase, and signed an instrument of writing addressed to the Bishop, to that effect, (a copy of which instrument was furnished Mr. Walker.)

Whereupon, after deliberation, the Rev. W. F. Walker addressed the Bishop, alleging that the cause of his non-attendance was a mistake in not considering the official request in the light of an injunction to attend,† and offering to meet the Court of Inquiry on Monday, June 3d, at 10 A. M., for the purpose of submitting to the investigation of the case.

Whereupon this Court is now opened for that end,

(Signed)

P. CHASE, Bishop.

—  
MONDAY, 10 A. M., June 3, 1844.

The Court duly assembled in the Vestry Room of St. James; Bishop Chase, presiding. Counsel was allowed on both sides in this case. Rev. W. F. Walker appeared by his Counsel, B. S. Morris, Esq.; Mr. A. C. Becker appeared by his Counsel, I. N. Arnold, Esq.; Mr. A. Huntington, Secretary for recording evidence.

\* This pretension was entirely new, set up expressly for this defence of the Bishop; or in his own words, "review of the grounds upon which the decision is based." A plausible foundation for the course resolved on was felt to be needed; and an ingenuity equal to the emergency supplied this before unheard-of pretext. It was never asserted or made till presented by the Bishop in this paper. It is therefore a fraudulent plea, introduced for a make-weight against the respondent.

† The respondent never said a word about "mistake," as is here asserted; there was no "mistake;" he retained his original understanding of the case throughout, and retains the same to this day. His letter to the Bishop, (page 94,) would seem to be too plain to allow of such a statement.

The first question raised in the regular course of trial, was that of Jurisdiction, *i. e.*, the right of the person appealing to be heard on that appeal. This, it was contended by the repelling party, he had not, because he was not regularly admitted to the privileges of Church Communion. It was decided by the Court that the question was settled by a common principle of justice,—that he who was subject to the discipline of the Church, was entitled to the benefit of her *protective laws*, in the defence of his Christian Character, when accused, whatever informality there might have been in his admission. And as, moreover, in this case, the Rector used the authority and directions of the Canons and Rubrics of the Church in repelling, and did himself acknowledge the right of appeal in the person so debarred from the Communion, it was decided by the Court that he had a right to be heard on that appeal, and have his case adjudged by the Bishop.\*

The second question raised was a request by the repelled party to be furnished with specifications of facts, under the general charges of immoral conduct, by which it was alleged the act of repulsion was sustained. It was decided that it was the duty of the plaintiff to furnish the accused such specifications, that a just opportunity might be given to produce rebutting testimony. Accordingly the following alleged causes of the repulsion of Mr. A. C. Becker from the Holy Communion by Rev. W. F. Walker, was produced in Court.†

The causes alleged by me for the repulsion of Mr. A. C. Becker, and which I shall endeavor to substantiate by lawful evidence in the Court of Inquiry appointed on the case, are :—

*First, Profanity*—*i. e.*, the use of language commonly deemed profane, in the presence of J. B. F. Russell, in the City of Chicago, prior to his repulsion at Easter last, and since the first day of October, A. D., 1843; and before others in said City.

*Second; Excess in Drinking*;—*i. e.* the use of intoxicating liquor or liquors to such extent as to be commonly deemed excessive, at the City Hotel in the City of Chicago, since October last, and prior to his repulsion; and at divers other places in the City of Chicago; also in carrying it in his pocket for his use at his pleasure.

*Third; Hurt done to his neighbor by word and deed*,—*i. e.*, having so spoken of his neighbor, and so given himself concern in his affairs as to be commonly regarded as inflicting essential hurt; to wit: to the Rev. W. F. Walker, and through him the Church, by the use of abusive language addressed to him on Clark st., in the City of Chicago, on or about the 23d March, A. D. 1844, and also in being actively engaged in fomenting ill-feeling against said Walker, about the time last aforesaid, with and amongst the brethren of the Church, and in pursuing (by his opposition) him, said Walker, to the breaking up of the said Walker's Pastoral connexion with St. James' Church, to the hurt of said Walker, and of a large body of his parishioners, as they have formally alleged.

(Signed)

W. F. WALKER.

The 3d charge and the specifications accompanying it were not *sustained*, no evidence being offered to that effect; upon trial it was withdrawn.‡

\* The "Court" here means Bishop Chase.

It was a further decision of this "Court," "that any person who has received baptism in the name of the Father, and of the Son, and of the Holy Ghost, may claim the Communion, and cannot be deprived of it;" thus nullifying every restrictive provision of the Church, though bound upon Bishops and Clergy by the oaths of ordination.

† This question was raised and determined by the "Court," before it opened in the Vestry-room. (See statement on page 94.) The "specifications," so termed, were handed to the Rev. Ezra B. Kellogg, in obedience to the Bishop's mandate, in the morning. The Bishop had them, therefore; and by him they were "produced in Court;" not, however, until there had been some contradiction about their having been furnished, and some confusion tending to the prejudice of the respondent.

‡ No evidence was offered under "the 3d charge." It had come to be pretty well



On the 1st and 2d charges and specifications, the following is the opinion and decision of the Bishop. They are both sustained, in part, in POINT OF FACT. The accused, therefore, stands reprov'd, and is hereby solemnly exhorted to repent and amend.

But in point of *moral turpitude*, the true intent of the Rubric authorizing a repulsion from the Holy Communion has not been fulfilled. It is as follows:

"If among those who come to be partakers of the Holy Communion the minister shall know any to be an open and notorious evil liver, or to have done any wrong to his neighbors by word or deed, so that the congregation be thereby offended, he shall advertise him that he presume not to come to the Lord's Table until he have openly declared himself to have truly repented and amended his former evil-life, that the congregation may thereby be satisfied, and that he hath recompensed the parties to whom he hath done wrong; or at least declare himself to be in full purpose to do so as soon as he conveniently may."

This Rubric is founded on the Word of God, which is as follows, Matt. 18th c., 15, 16, 17 vs.\*

"If thy brother shall trespass against thee, go and tell him his fault between thee and him alone. If he shall hear thee, thou hast gained thy brother. But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established. And if he shall neglect to hear them, tell it unto the Church; but if he neglect to hear the Church, let him be unto thee as a heathen man and a publican."

Gal. 6: 1. "Brethren, if a man be overtaken in a fault, ye which are spiritual restore such an one in the spirit of meekness, considering thyself lest thou also be tempted."

The Canon of the Church refers to the Rubric, and Rubric carries into effect the injunction of Holy Scripture, and wherein the Rubric is silent as to the *method* of carrying the Scriptural injunctions into effect, it is the duty of the Bishop to judge whether the *intent* of the Rubric, as founded on Scripture, has been fulfilled or not.†

In this case of the repulsion of Mr. Becker from the communion of St. James' Church, Chicago, the injunctions of the Rubric, as interpreted by the Word of God, have not been complied with. It was the duty of the Rev. Rector of St. James' Church to have admonished Mr. Becker before he repelled him from the communion, of the faults contained in his charge of being an excessive drinker. Instead of this, it appears, on evidence, that he was intimate with Mr. B. for some time, and drank "with him, one

understood that the aim was indirectly to try the respondent; and that "the 3d charge" was to be the available means "to that effect." Therefore, it was withdrawn.

"Notes," by a friend, taken at the time, furnish the following:

"The Counsel for the Rector here offered to withdraw the third specification; but the impartial Court decided it would be evidence the plaintiff could prove nothing. Now as this charge embraced 'tattling,' and that among women, it was thought advisable to withdraw it, rather than have an infuriated Sewing Society brought on to the stand.

"Some desultory conversation ensued, and the third charge, by agreement, was dropped."

\* This assertion so unhesitatingly made, is original with Bishop Chase. And by all who examine the matter, it must certainly be admitted to require a degree of theological acumen not less than that which distinguishes him, to discover the shadow of a relation between the Rubric and the Scripture, so undoubtedly alleged to be its foundation. The discovery was timely, and valuable for its application to this case. It afforded a turn upon the respondent that probably was as gratifying as it certainly was indelicate, unkind, and unjust.

It will here be seen that Matt. xviii. 15-17, was once in the mind of Bishop Chase, in connection with what was professed to be ecclesiastical justice; however deeply it may be regretted that the impression was not such as to influence him permanently in the line of its teachings. But when its application would require duties to be performed that might favor the respondent, it appears to have been entirely lost sight of; in no instance has it been recognized in respect to him, except in the above, when it was wrested into a connection in which obviously it does not belong, and, contrary to testimony, made to bear against him.

† This opinion is so monstrous, beyond any precedent that has ever been furnished by a Protestant Bishop, that it cannot fail to attract merited notice, and show the tone of its author, without comment, by the respondent.

time, a glass of spirits," and at another, "in company with a third person, one bottle of Claret, and half a quart bottle of Madeira or Sherry wine."<sup>4</sup>

From this testimony, it appears that Mr. A. C. Becker has not been dealt with according to the true intent of the Rubric, which is to promote penitence in the offender, as well as to remove scandal from the Church.

The Bishop, therefore, does not sustain the repulsion of Mr. A. C. Becker from the Holy Communion, by the Rev. Mr. Walker, but considers him as a communicant admonished of his fault, and exhorted to repentance and a godly life.†

PHIL. CHASE,

Bishop of the P. E. Chh. in Ill.

June 4th, '44, Chicago, Ill.

To the Rev. W. F. WALKER.

Thus was Becker restored to what the Bishop had decided he could not say should be granted him, lest it should, in a certain event, lead to results "entirely schismatical;" restored to what was never his, and what, within a very few days, on the steamboat, between Chicago and Buffalo, by the grossest dissipation, he proved himself unfit to enjoy.

And thus was fastened on the respondent an enemy whose boast it was that he could and would crush the respondent, for he had the Bishop on his side.

His work was immediately commenced; with what success he and Kinzie prosecuted it, aided by some few, mostly of, or in alliance with their families "the presentment" that followed, "the presentment of 1844," is evidence.

N, page 29.

The letter referred to may be seen on page 68.

\* To the statements in this paragraph, the respondent excepted at the time, as follows:

"1st. That I did not admonish Mr. Becker before his repulsion, does not appear in the evidence, and cannot therefore, consistently, be so stated; and,

"2d. That I drank with him, and a third person, one bottle of Claret, and half a quart bottle of Madeira or Sherry wine, the evidence does not show. It was in evidence most explicitly that, on the occasion referred to, ladies were at the table, in addition to the gentlemen named; and this was true to the number of three; thus making the total who participated in the wine six, at least, instead of three only, as the decision nutruly asserts."

Why were these points thus strained beyond the testimony? Did justice, or charity or truth require it?

† On the decision in the case of Becker above given, a friend proposed, at the time, the following queries:—

"1st. Can a Lutheran, communing in the Church on sufferance, if repelled, have the right of appeal as contemplated in Canon XLII.?"

"2d. Becker having been a communicant on sufferance simply, can Bishop Chase, under the advice given in his letter to the Rector of Nov. 16th, consistently or rightfully entertain his appeal?"

"3d. Can a Lutheran, or other dissenter, who refuses to submit to the Rubrics and Canons of the Church, specially as regards confirmation, claim to stand on a footing, in point of privilege, with loyal members of the Church?"

"4th. Can a dissenter who owns not allegiance to the Church, and contemns her laws, claim the protection of the Church, or the application of her laws, in vindicating himself against the express terms of those laws?"

"5th. Can Bishop Chase compel his presbyter to appear as prosecutor on appeals, in any case; but more especially in the case of a dissenter?"

"6th. Does the right of appeal extend to Mbrmons, who, under the decision of Bishop Chase, having been baptized in the name of the Trinity, may claim the right of Communion in the Church?"

BX

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W35

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